

In the Council Chambers of the Showers City Hall on Wednesday, May 18, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 18, 2005

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

ROLL CALL

Council President Ruff gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Gaal reminded citizens of Bloomington Bike Week and National Ride Your Bike to Work Day. Additionally, he announced the publication of the 2005 Summer Performing Arts Series Calendar.

REPORTS:

Dave Rollo relayed gratitude to Mayor Mark Kruzan for his decision regarding Griffy Lake and the exploration of alternatives to herbicide treatment. He mentioned his hosting of a Peak Oil Awareness discussion group and also recited a press release regarding open seats for the Commission on Sustainability.

Tim Mayer thanked Cook Pharmica for hosting a Bloomington Economic Development Corporation meeting.

Andy Ruff reiterated Mayer's comments and expressed his support of Cook Pharmica. He also reported on the Martha's House golf scramble and the performance of his team.

Maren McGrane introduced Rick Dietz, director of Information Technology Services, who discussed the Bloomington Digital Underground.

- COUNCILMEMBERS
- MAYOR and CITY OFFICES

Dietz extended an invitation to council members and the general public to attend a public meeting regarding the BDU advisory meeting. He reported that the purpose of the meeting was to address Bloomington's fiber optic infrastructure and the receipt of a final product from a consulting firm that helped the BDU develop a strategic plan.

James McNamara, deputy mayor, invited the council to attend a Fallen Officers Ceremony in conjunction with the Fraternal Order of Police.

There were no council committee reports.

- COUNCIL COMMITTEES
- PUBLIC INPUT

Mark Haggerty thanked the mayor and the council for their input regarding Griffy Lake. He spoke about his neighborhood, which he described as low-income and challenged. Haggerty noted that because the neighborhood is available for low-income families it has attracted the attention of some unsavory residents. He cited recent vandalism and vulgar graffiti that both city property and his vehicle have been subjected to. Haggerty noted that he had his life threatened while documenting the vandalism and urged the council to take an interest and work for a solution, such as increased police patrols.

There were no appointments to board or commissions.

BOARD AND COMMISSION
APPOINTMENTS
LEGISLATION FOR SECOND
READING

It was moved and seconded that Appropriation Ordinance 05-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0. It was moved and seconded that

Appropriation Ordinance 05-03 To

Appropriation Ordinance 05-03 be adopted.

Susan Clark, city controller, recited some additional details including grants from PetSmart and reimbursement to the Animal Care & Control Division who made a donation to the Limestone Arts project. She asked permission to reimburse the general fund from the arts fund. She noted that the Community and Family Resources Department increased hours for two part-time employees at a cost of \$24,534 and a part-time city attorney position increased to full-time at a cost of \$14,250, including all benefits. She closed with three requests from the Telecom Fund, including an expenditure of \$35,520 to install fiber optic conduit along the old Thompson site.

Volan asked Rick Dietz about making City Hall wireless.

Dietz responded that members of the public currently have access to the internet within Council Chambers. Dietz hoped to extend service to other public meeting rooms.

Volan asked about required equipment and cost.

Dietz responded that he was not yet sure of the equipment needed.

Sturbaum asked Clark to clarify the line about Municipal Arts.

Clark explained that the City has a program that expends 1 percent of every public construction project for an arts project. Those art projects are determined by the Arts Commission.

Sturbaum asked about the endurance of this fund.

Clark responded that the fund gets its revenue per project and then the expenditures are by project, so maintaining a reserve is not necessary.

Appropriation Ordinance 05-03 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 05-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0. It was moved and seconded that Resolution 05-03 be adopted.

It was moved and seconded that Amendment #1 to Resolution 05-03 be considered.

Mayer commented that work on the road and water line encountered limestone. He said he believed that this was a necessary amendment to the agreement with Cook Pharmica in order for work to continue.

Ron Walker, director of economic development, summarized the original agreements and current pending resolution. He noted that the agreement includes reimbursing Cook Pharmica for their capital investments and public infrastructure improvements. Walker explained how the project and improvements will benefit the City. He noted that the reason for the amendment to an already accepted resolution is because the construction project had encountered unforeseen difficulties, namely deep limestone rock that must be excavated. Walker stated that this was a good project for the city to support because it will be used often and that it would have been a project the city would have had to undertake otherwise.

Specially Appropriate from the General Fund, Risk Management Fund, Telecom Fund, and Municipal Arts Fund Expenditures not Otherwise Appropriated (Appropriating Funds from the General Fund for the Animal Care & Control Division and the Community & Family Resources Department for Various Purposes; from the Risk Management Fund for Increased Hours for the Assistant City Attorney; from the Telecom – Infrastructure Fund for expansion of the Bloomington Digital Underground (BDU) and Wireless Internet Access in City Hall; and from the Municipal Arts Fund to Reimburse the General Fund for a Percent for the Arts Project)

Resolution 05-03 To Authorize Expenditures from the Industrial Development Fund for Attainment of Benchmarks by Cook Pharmica LLC at the Indiana Enterprise Center

Amendment #1 to Resolution 05-03
This amendment increases the maximum reimbursement for the construction of the Water Main from \$250,000 to \$370,000 in order to account for the costs for rock removal. It also acknowledges that the Bloomington Industrial Advisory Board (BIDAC) adopted another resolution (Res 05-05) which recommends this change to the Council.

Rollo asked for clarification that there was no interest on the repayment agreement.

Resolution 05-03 (cont'd.)

Walker verified that there was no interest on the repayment.

Rollo spoke about the \$1.50 per cubic yard of rock removal equating to 60,000 cubic yards of rock. He requested confirmation that the Industrial Development Fund would be reimbursed.

Walker clarified that the reimbursement would not be made to Cook Pharmica. The reimbursement was for the cost of the water main improvement up to \$370,000.

Rollo asked if the water main improvement would be limited only to the Indiana Enterprise Center (IEC).

Walker said that the improvement was tying into the City's general system, but contained within the IEC.

Rollo asked if the water line would go directly into the IEC and be limited to that.

Walker clarified that the water line tied into a water main running along Rogers Street, including other branches being tied to other water lines including Patterson Street.

Rollo asked if there would be other users of these new lines or if the uses be limited to the IEC.

Walker said that the development of the IEC on that property has created a situation in which the current water line configurations will not work, either for the users or for fire suppression. He said the new improvement established a way to engage future developments.

Mayer noted that the clauses were standard for utility reconstruction when rock is involved.

Amendment #1 received a roll call vote of Ayes: 8, Nays: 0.

Vote on Amendment #1 to Resolution 05-03

Jerry Arthur, president of Cook Pharmica, thanked the council for their cooperation and the joint successes.

Resolution 05-03 as amended

Rollo commended Arthur and Walker for their team effort on a valuable investment for the City.

Sturbaum complimented the work being done.

Arthur invited visitors to view the work being done.

Ruff thanked Arthur for his work with the community on this investment.

Arthur confirmed that the agreement was a win-win situation.

Resolution 05-03 as amended by Amendment #1 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 05-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0. It was moved and seconded that Resolution 05-04 be adopted.

Resolution 05-04 To Authorize Expenditures from the Industrial Development Fund for Attainment of Benchmarks by the Schulte

Walker reported that the Shulte Corporation had made several expansions and investment and has been good for Bloomington. Walker described the incentives of Schulte's relocation and focused on the benchmark agreement.

Corporation at the Indiana Enterprise Center

Sturbaum expressed interest in hearing a progress report.

Patrick Taylor, with the Shulte Corporation, expressed the hope that the interior of the new facility would be completed by the end of August. He mentioned that the exterior of the building would be delayed until the city road was completed. Taylor noted that the west side of the building will have a park-like atmosphere.

Rollo asked Taylor about his company's regional markets.

Taylor answered that the company is strong in the Midwest.

Rollo spoke about the commitment to do what he and the city can to support local businesses that employ Hoosiers.

Mayer thanked Taylor and Schulte for investing in Bloomington.

Ruff echoed Mayer's comments and said that Schulte's commitment to the community is a commitment to growth.

Sturbaum suggested that the Commission on Sustainability consider publicizing vendors who sell locally.

Resolution 05-04 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 05-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0. It was moved and seconded that Resolution 05-05 be adopted.

Resolution 05-05 To Amend the City's Comprehensive Plan to Include a Critical Subarea for the Area Known as "The Goat Farm"

Tom Micuda, director of planning, referred to exhibits and discussed the resolution. He noted that the Jackson Creek floodplain has been of major consideration with the following recent recommendations that the floodplain be studied in detail and a clear delineation must be established between the undevelopable and developable property. Micuda continued with the description of another goal which is to make sure that the sub area riparian buffer is not disturbed. He concluded that all major concerns would be addressed carefully and that each element of design would be thoroughly reviewed.

Micuda offered to address issues raised by councilpersons during their last meeting. The first issue he addressed concerned roadway connectivity, in which Micuda offered a visual aid. He expressed that the reason connectivity is not being recommended by the Planning Department is because it would not be feasible due to significant gradation in the land as well as the establishments of cul de sacs in the area. He noted the similar issue in Sherwood Oaks. Micuda said that connectivity to the park would only be feasible with a significant road segment through the Jackson Creek floodplain, which he expressed was not warranted. Micuda responded to a previous question about the environmental context of the property in question by referring to a visual aid which included an overlay of the City of Bloomington Environmental Resources Inventory (COBERI). With a COBERI rating scheme running from 1 to 8, with 8 being the most sensitive rating, the areas running along the creek have a rating of 3 to 5. Micuda reiterated that the Planning Department had forwarded this plan to the council with a favorable recommendation.

Rollo thanked Micuda and asked when the surveying would be done.

Resolution 05-05 (cont'd.)

Micuda answered that more than one agency would review the situation and sign off with their approval before continuing forward.

Rollo asked who would be responsible for the survey.

Micuda said that the developer is responsible for hiring a qualified surveyor.

Rollo further asked if the Jackson Creek trail plan was contingent on the survey.

Micuda noted that trail constructions of this nature could be made exempt from a permit but confirmed that the area was considered to be in the known floodplain.

Mayer asked if there was an active petition on this site to which Micuda answered there was not.

Mayer asked what standards the infrastructure would be built to.

Micuda said that a single access drive coming from the roundabout would probably be a publicly dedicated street for the City. He noted that the developer could bring forth a private street proposal, but that typically, public streets access family properties.

Sturbaum asked for clarification of the grayed area on a visual aid.

Micuda responded that the area was largely wooded and stated that the implication was that not all of the area will be developed. He said that by applying NET-DENSITY calculation, acreage is subtracted and considered undevelopable.

Rollo asked about the delineation between floodplain and floodarea, to which Micuda clarified the two terms.

Public comment:

Bill Stuebe, member of the Planning Commission, noted he was speaking as a neighbor of the area in question and complimented Micuda's report. He offered photos of the area underwater and expressed his view that it was important that development be limited to outside of the floodplain.

Sturbaum expressed relief that the City was working to prevent development in floodplains, unlike the County.

Mayer thanked all individuals involved for bringing this proposal forward.

Rollo seconded Mayer's comments and said he was very happy with the proposals consistent with the Growth Policies Plan that have come through the Planning Commission.

Banach expressed his support and bantered with Stuebe on how he got his rain measurements to a 100th of an inch.

Ruff added that this discussion has been long stewing. He said that the area has an interesting history and he expressed his support of the developer keeping the name "Goat Farm".

Resolution 05-05 received a roll call vote of Ayes: 8, Nays: 0.

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

LEGISLATION FOR FIRST
READING

Ruff mentioned that Dan Sherman should add to this issue.

Sherman stated that he spoke with Steve Hoffman about this upcoming ordinance. Hoffman requested that these three houses on North College Avenue be known as being owned by himself and his wife and not by Pavilion Properties.

Ordinance 05-16 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District Re: "Apartment Row" at 314 – 316, 318 – 320, 322 – 324 North College Avenue (Bloomington Historic Preservation Commission, Petitioner)

Ordinance 05-16

There was no public comment.

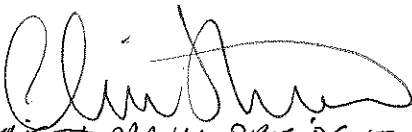
PUBLIC INPUT


The meeting was adjourned at 9:05 p.m.

ADJOURNMENT

APPROVE:

ATTEST:


CHRIS STURBAUM, PRESIDENT
Andy Ruff, PRESIDENT
Bloomington Common Council


Regina Moore, CLERK
City of Bloomington