

In the Council Chambers of the Showers City Hall on Wednesday, August 3, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
August 3, 2005

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

ROLL CALL

Council Vice President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

The minutes of July 27, 2005 were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer thanked City of Bloomington employees who work in the hot humid weather including the landscapers, parks and street department workers.

REPORTS:

▪ COUNCILMEMBERS

Chris Sturbaum noted some Arts related issues including the need for funds for the sculpture of Hoagy Carmichael and the continuing desire to see the old Von Lee Theater be used as a theater again.

There were no reports during this time.

▪ MAYOR and CITY
OFFICES

David Sabbagh read an encomium for Steve Howard, President of the Greater Bloomington Chamber of Commerce, on the occasion of his retirement. He noted the encomium was signed by Mayor Mark Kruzan and Council President Andy Ruff, and then added some of his own comments about the importance of the chamber and Howard's service to his country and community.

▪ COUNCIL COMMITTEES

Howard accepted the encomium and thanked the council. He added his thanks to his staff, and said that he was just the noisiest member of the chamber. He stressed that the city's sustainability initiative would be a wonderful opportunity to craft a vision for the city, and encouraged the council to put their best efforts into this measure.

Mayor Kruzan added some light hearted comments on the occasion, and added that he understood that Howard had always had the best interests of the community in mind, particularly on the smoking issue and human rights.

Mayer thanked Howard for his work with the community and moved that the encomium be adopted by the council.

Dave Rollo said he had gotten to know Howard more closely during the sustainability initiative and noted that Howard's retirement boat had a wind turbine and state of the art solar cells, measures that lead in sustainability.

Sturbaum added that Howard's leadership would be missed and asked for the encomium to be adopted. The council approved the measure by a voice vote.

There was no public comment at this time.

▪ PUBLIC INPUT

There were no appointments at this meeting.

BOARD AND COMMISSION
APPOINTMENTS

It was moved and seconded that Resolution 05-14 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0.

LEGISLATION FOR SECOND
READING

It was moved and seconded that Resolution 05-14 be adopted.

Resolution 05-14 A Resolution
Expressing Support for the CSX Rail
Corridor Acquisition and Trail Project

Mayor Kruzan referred to the day's newspaper article regarding the CSX project and noted that the switchyard was not planned as part of the Phase I project, attributing the inaccuracy to internal and external descriptive language. He reiterated that the switchyard acquisition was never intended to be part of Phase I.

He said the interdepartmental team working on this project presented the option of using the available funds to purchase all three land segments at once, but Kruzan said that this would leave little money for development of the parcels and might leave land dormant for a long time before it would be used. He added this was not a wise use of taxpayer money, and that the wiser choice would be to purchase the trail and hold off on the switchyard acquisition. He said the project was not being compromised, and it was the same project that the previous administration supported.

Kruzan said it was unlikely that anyone else would try to acquire the switchyard property; however the city did relay to CSX that the city would be interested in having a right of first refusal on the property. He said that CSX did not support this type of agreement via corporate policy.

Kruzan said this project, monumental in scope and importance, was THE most significant economic development project on the city's agenda. He said that this council and administration had consistently demonstrated a commitment to a philosophy that quality of life and economic development are synonymous, and that this greenways project epitomized this belief.

Rollo asked if there were any assurances from CSX regarding their position on the sale of the switchyard property. Kruzan stated there was none, and while CSX did not want to restrict their possibilities, they are not actively marketing the property. He said it was not impossible to loose the property and that CSX has given the city no assurances on the sale.

Kruzan added that the acquisition and development of the Phase I part of the trail, the downtown segment, would not be directly tied to the switchyard property, but would give citizens evidence of the value of their purchase, would give benefit to the community, and immediately add to the economic development in the area.

Sturbaum asked if the switchyard was in a flood plain. Kruzan said that it was, and that was another reason that it probably wouldn't be attractive for another type of development. Sturbaum asked about rail banking for the railway and Kruzan said he would look for that answer.

Kruzan added that the proposed use of the switchyard land would dictate the environmental cleanup on the property.

Linda Williamson, President of the Bloomington Economic Development Corporation, noted that in the mid 90s CSX announced that they were abandoning rail that ran from Curry and Vernal Pike west to Ellettsville across State Road 46. She said that the Monon Rail Preservation Corporation was formed to buy that rail and keep it for future use. She said that the Monon Rail, in turn, sold part of that rail line to Indiana Rail for servicing Rogers Quarry on Oard Road. She said the resources from that sale were used to pay Indiana Rail for improvements to Hunter Switch near Kohls Department Store. She said that needed to be done to replace the switching done previously at the

downtown switchyard. She said the Monon Group and BEDC supports the development of the greenways trail.

Chris Gaal stated that in addition to the growth policies plan there had been two master planning initiatives dealing with the Rails to Trails project where he served as council representative: the Alternative Transportation and Greenways Plan and the McDoel Switchyard Rails to Trail Master Plan.

Gaal said the McDoel project was the signature project for the whole greenways plan. He added that the downtown plan called for taking advantage of this most unique opportunity in the creation of gathering places and attractive plazas to enhance the downtown. He said the importance of this initiative could not be overstated, that the benefits are incredible for alternative transportation, quality of life, and the bringing the east and west sides of the town together with a gathering place.

Gaal said the cleanup of the switchyard is important and that the entire project is very lengthy and complicated because there is much coordination from many city departments in moving the project forward. He added that state and federal agencies and their requirements for review and consultation had also slowed the process down.

Gaal stated his understanding of the project timeline at this point was to purchase the CSX right-of-way this year, do all the design work for the trail in 2006, and then begin construction of the trail in 2007 and hopefully see a usable trail after that. He said this resolution was to keep momentum going and successfully apply for funding.

Gaal stated that the switchyard was part of the larger project, and was not being abandoned as indicated in the aforementioned news article. He said funding concerns and environmental liability concerns would require continued investments, applications for more grant money and that all this would unfold in stages, while improvements were made in the downtown area.

He thanked the city's team working on the project and also the council for support.

Mayer thanked the city employees for their work, and noted it was a complex project with constantly shifting tables and that there was still much work to be done. He also thanked them for their work in the future. He noted that previous granting models have proven that successful first phases of projects have helped in securing subsequent grant funds. Mayer said he would like to concentrate on the project that included side paths for Country Club road and that the passage of this resolution would help with this as CSX would be finishing their remediation of parts of that area.

Sturbaum thanked Williamson for her recollection of history. He added that the city has been working on the project for a long time, and that it takes consistently applied vision to see the project through. He commended all who had a hand in making a "positive" out of this "negative" and used the phrase "blight to bright."

Rollo noted that Gaal should be given special thanks for his long term efforts and shepherding of the project over many years.

Resolution 05-14 received a roll call vote of **Ayes: 7, Nays: 0.**

It was moved and seconded that Ordinance 05-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0.

Ordinance 05-19 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"

It was moved and seconded that Ordinance 05-19 be adopted.

James McNamara, Deputy Mayor, noted that the ordinance would create two new residential zones. Zone 8 would comprise of two half blocks on North College avenue and Zone 9 comprised of nine block faces in the area near the southwest corner of the IU campus.

Steve Volan asked if there might be need for more zones even further out from these in the future. McNamara said the city's stance was to remain flexible but he didn't anticipate any at this time.

Mayer asked if there were adequate staff and equipment to enforce the new zones. McNamara said both new zones were adjacent to existing zones and that since both are relatively small there are no difficulties anticipated at this time.

Mayer noted that when the neighborhood proximate parking zones were first created they were quite controversial, but last week in the committee hearing for this ordinance, citizens were welcoming them in their own neighborhoods. He thanked the deputy mayor for his work on the ordinance.

Ordinance 05-19 received a roll call vote of **Ayes: 7, Nays: 0.**

It was moved and seconded that Resolution 05-14 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis and stated that there was no committee recommendation on the resolution.

It was moved and seconded that Resolution 05-14 be adopted.

Jennifer Osterholt, Director, represented the Bloomington Housing Authority. She said that the council had, on May 2, 1961, made the decision to enter into a cooperation agreement with the housing authority in this matter. She described the formula used to calculate the PILOT and asked that the \$9600 payment be waived.

Mayer explained that the council would be forgiving taxes for services that the city did not provide. He further explained that the city did not collect trash in the area.

Resolution 05-14 received a roll call vote of **Ayes: 7, Nays: 0.**

It was moved and seconded that Resolution 05-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis and stated that there was no committee recommendation on the resolution.

It was moved and seconded that Resolution 05-12 be adopted.

Ron Walker, Director of Economic Development, said this resolution was part of rescinding the tax abatement to this property. He said that the BBI received an approval for tax abatement and ERA in 1994 and described the services and technical assistance activities that were available at the center. He said the BBI met the requirements at the time but the property has now been sold.

Walker said the new owners did not know about the tax abatement and that the incubator was no longer present at that location. Walker said the present owner has voluntarily submitted documents asking for rescinding of the abatement.

(Amending Chapter 15.37 – Residential Neighborhood Permit Parking – and Chapter 15.64 – Traffic Violation Schedule)

Resolution 05-15 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

Resolution 05-12 To Terminate Tax Deduction for Improvements to Real Estate and Remove the Economic Revitalization Area (ERA) Designation Authorized by Resolution 94-32 and Resolution 94-52 - Re: 210, 216 & 220 West Allen Street (Bloomington Business Incubator, LLC, Former Owner and Petitioner; Storage Express Holdings, LLC, Current Owner)

Resolution 05-12 received a roll call vote of **Ayes: 7, Nays: 0.**

It was moved and seconded that Resolution 05-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis and stated that there was no committee recommendation on the resolution.

It was moved and seconded that Resolution 05-13 be adopted.

Ron Walker, Director of Economic Development, explained the history behind terminating the tax abatement at this property. He said that this was more of a housekeeping exercise, as the company is no longer at the address and is not planning to make investment in the site. He added that he has spoken with the owners and they have agreed to the termination of this abatement. He noted, also, that the ERA designation on this property would remain.

Sabbagh asked if this was a voluntary termination, to which Walker responded yes.

Resolution 05-13 received a roll call vote of **Ayes: 7, Nays: 0.**

There was no legislation for first reading.

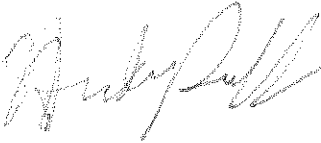
There was no public input at this time.

Tim Mayer, Parliamentarian, noted that in accordance with tradition, the council would recess until the next scheduled meeting on September 7, 2005.

The meeting was adjourned at 8:36 pm.

APPROVE:

ATTEST:



Andy Ruff, PRESIDENT
Bloomington Common Council



Regina Moore, CLERK
City of Bloomington

Resolution 05-13 To Terminate a Tax Deduction for the Installation of New Manufacturing Equipment yet Continue the Economic Revitalization Area Designation Authorized by Resolution 03-14 and Resolution 03-15 - Re: 1300 South Patterson Drive (PTS Corporation, Initial Petitioner)

LEGISLATION FOR FIRST
READING

PUBLIC INPUT

ADJOURNMENT