

In the Council Chambers of the Showers City Hall on Wednesday, August 6, 1997 at 7:30 PM with Council President Pizzo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
AUGUST 6, 1997

Roll Call: Banach, Young, Mayer, Cole, Pizzo, Service, Sabbagh, Sherman, Pierce.

ROLL CALL

Council President Pizzo gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes for approval.

MINUTES FOR
APPROVAL
MESSAGES FROM
COUNCILMEMBERS

Young congratulated the Solar Bike team who did so well in a competition in Japan as well as the many people throughout the community who contributed to the effort.

Service announced the upcoming Shakespeare in the Park production that begins this weekend in the Third Street Park.

Cole said she was looking forward to the upcoming recess after two weeks of budget hearings. Mayer thanked Canada for the glorious mid-summer weather we are all enjoying at the present time. Sabbagh said that he has just returned from Banff, Canada and it has been the hottest summer on record. And finally Sherman greeted his mother and after thinking the council had hit a lull in meeting agendas, said that he takes it all back after the last few weeks of long meetings.

James McNamara, Deputy Mayor, invited the public to the first Neighborhood Showcase on August 16, 1997, outlined the many glorious activities that are planned and urged everyone to try to attend.

MESSAGES FROM THE
MAYOR

The Clerk made an impassioned plea for board and commission members for the King Birthday Commission, the Urban Enterprise Association, the Commission on the Status of Women and the Human Rights Commission. Williams thanked the Bloomington and Hilltop Garden Clubs for the beautiful floral arrangements that have graced our front desk for most of the summer. She also thanked Patty Pizzo for the public display case that she has assumed the responsibility for changing on a regular basis.

MESSAGES FROM CITY
OFFICES

It was moved and seconded that Resolution 97-11 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Resolution 97-11 be adopted. The synopsis was given.

LEGISLATION FOR
SECOND
READING/VOTE
RESOLUTION 97-11

Matt Pierce, sponsor of the resolution, said that this resolution is at the request of the White River Labor Council so that the council would have the opportunity to go on record as supporting simple fairness as far as labor union interest and membership is concerned. It is unfortunate that, often, when employees attempt to organize, employers can make it difficult to have a fair vote in a non hostile atmosphere. This resolution simply urges employers to allow their employees to organize in a respectful manner and follow the federal laws that exist to be carried out.

Jackie Yenna, President of the White River Labor Council, spoke in support of the resolution and said that this is a nation wide program and he hoped that Bloomington would participate by approving the resolution.

Rob Deppert, Council Secretary, spoke in support of the resolution. Gary Carney, Business Agent for the Great Lakes Industrial Council, also spoke in support of the resolution.

Sabbagh said that this is the Bloomington City Council and he hasn't heard a single reference to Bloomington and wondered why. This is not a discussion of NAFTA .

Pierce said this does relate to this council because this council is urging our local employers to allow fair labor elections if employees request it. This resolution was not intended to target specific companies here in Bloomington but to try and address the broader issues.

Banach said that as an IU support staff employee he supports this resolution as a "feel good" resolution and by the council passing this resolution it encourages employers, not requiring them as a small step in the right direction. He said he would like to see the effort directed to a higher level to really effectuate a change. He said he supported people's right to organize.

Service said we often assume that this right to organize exists, however that is not the case universally.

Cole said it is important to remind ourselves of the need for this resolution and that we would not be where we are today if other people had not sacrificed and worked for all our rights.

Sabbagh did reject some of the polemics that were expressed this evening by some of the speakers, said he would support the resolution, that unionization did not prevent jobs from moving to Mexico and that there are other reasons for some of the other polemics that are quoted.

Sherman said he did agree with what was said in support of the resolution and thanked everyone for coming.

Young said he did agree with persons right to a decent wage for a decent days work and because this is a local resolution and local people are speaking in support of it, he would support the resolution.

Mayer also supported the resolution and said in today's marketplace, change is happening rapidly and we have to keep abreast of that change.

Jeff Terry, a union member and recent IU Law School graduate, spoke in support of the resolution and said that wages, jobs and housing are Bloomington issues and unions support good jobs and wages for the entire community.

The resolution received a roll call vote of Ayes:9, Nays:0

It was moved and seconded that Ordinance 97-21 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 97-21

It was moved and seconded that Ordinance 97-21 be adopted. The synopsis and committee recommendation of Do-Pass 8-0 was given.

Lynne Friedmeyer, Planning Department, gave a brief overview of the petition for the plan amendment for 1421 W. Sixth St. This PUD was approved in 1996 for Hopewell Renewal. This request is for a change of 12 units from townhouses to duplexes. There are no other changes in terms of green space or site plans. It simply creates a more liveable community for people who would purchase these duplexes. The affordability provision of units of \$65,000 or less will be maintained. The developer really wanted to be able to provide more windows in each unit, hence the design change.

The petitioner said that he felt this change would provide a more comfortable and viable project.

Cole said this was an improvement to the original plan and she asked if the adjacent neighbors had any concerns about the changes. The petitioner said that he had not contacted them directly, but that there has been a good general reaction. Cole asked if there have been any changes made to a storm water detention area. Friedmeyer said yes, that was built several years ago and worked as originally designed, but it will be improved as the street is widened and improved and all that should take place by the end of September. Cole said that this project is drawing attention to some of the needs in this area and those needs are being addressed. Cole and Friedmeyer confirmed that the site was examined for PCB contamination the site being a Superfund site. The Federal Government hires people to take the samples and the report was forwarded to our Utilities Department that this site was not contaminated and in the area to the north the random samples were also clean.

The ordinance received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Resolution 97-10 be introduced and read by title only. Clerk Williams read the legislation by title only.

RESOLUTION 97-10

It was moved and seconded that Resolution 97-10 be adopted. The synopsis and committee recommendation of Do-Pass 2-3-3 was given.

Michael Flory, Legal Department, presented a brief overview of the proposal to purchase land north of the current Cascades Golf Course. He said that the playtime on the golf course has surpassed the capacity that it was planned for. The current course was set up 75 years ago and has remained essentially unchanged and was designed to play 15,000 annual rounds and we are now up to 40,000 rounds a year, reflecting the growing national interest in the sport. The current proposal to add nine holes to the current 18 holes has been discussed for probably ten years or more. The strip of land to the north is the Laudermilk property. The "blue" part of the parcel is the tract under consideration, would be financed from the Westside Fund, the plan is under continual review in order to save as many trees as possible and the mayor insists that no tax dollars be spent. It could be financed by Revenue Bonds or a BOT Agreement (Build, Operate and Transfer Agreement) an option recently approved by the State Legislature. This would allow for a private entity to come in build and operate the golf course and at some point transfer it back to the city. So the "blue parcel" becomes less useful to us because the "gold" parcel is appraised and averaged at about \$11,000/ac and the other parcel is about 14 acres and that would add about \$150,000 to the cost of this project. The figures are so tight, that the BOT would probably be scuttled at that point. The blue parcel would require ongoing maintenance costs. The city has also been talking with Phil Hill about acquiring another tract of land to the north, that is currently in the Hill family ownership. The Laudermilk property is for sale, thus the desire to purchase the area that is highlighted in gold at this time.

Flory said that the EPA does regulate the use of chemicals on golf courses and the city has elected not to use any of the chemicals for the last several years, and that is our own decision. There are sink holes on the current course and they were preserved 75 years ago. If we go with a BOT we will be responsible for setting out expectations and restrictions and we need to keep it as broad as possible when it is first put out for bid so that we have the power to negotiate what is most important to us. Adjacent neighbors have commented on what a good job the city has done over the years,

maintaining the greens and Flory pointed out that the current greens keeper grew up in the greens keepers house (his father).

Banach attempted to clarify the map discussion and said that the Laudermilk family is not interested in selling the western part of the tract, so that they could have golf course frontage lots and the city is also not interested in buying at this time. Flory said that there are about nine different heirs/parties and some would like to retain that part of the land.

Sherman asked if some of our environmental practices be written into the guidelines and Flory said yes they could. Sherman also asked if retaining the job positions could also be included. Flory said that anything could be considered and negotiated.

Cole asked about what is put on the golf course and JohnTurnbull said the city uses only what any one of us could purchase at any hardware store. She continued by saying that there is a lot of discussion that golf courses use a lot of chemicals and she again asked just what is put on the course. Flory said that because we are a municipality we can put restrictions on what is put on the course.

Young asked if the BOT would have to be approved by the council and Flory said that he was not sure at this time. The wording is somewhat ambiguous in terms of the parks board and the fiscal body. Young said that for as long as he has been on the council he has tried to forward the concept of competitive bidding on city programs and now all of a sudden there is this proposal that may change the way we do business.

The mayor said a lot of this discussion is premature and not the focal point of the legislation before the council. The point is we need capital, we want to move forward with this project and there will be a lot of discussion and enabling legislation before a BOT is ever executed. We just don't have all the facts at this time.

Pierce clarified that this will be coming back to the council in order to fund a revenue bond or approve a BOT. The mayor said that was correct and that they would commit to that. Flory said the council has to adopt the enabling legislation for the BOT so that will also come back to the council.

Service asked about the Hill property to the north and asked if this plan for the golf course expansion requires the addition of the Hill property as well and Flory said that was correct. Tonight we are voting only on the Laudermilk property acquisition. She asked if we vote on this and the other deal falls through, what would happen? The mayor said we would then have to sell the ground. The golf course requires 50 acres of ground for the additional nine holes.

Sherman moved and it was seconded that the following amendment be considered: that a whereas clause be added to minimize the sink holes on the tract and a new Section 5 also addressing sink hole and access to Upper Cascades Park.

Young said that he had no problem with the amendment but that it really doesn't say what can or can't be done. Everything, the golf course and the sink holes all drain into the creek.

Turnbull said that the sink holes will not be filled in or changed in any way and in fact are a very nice amenity to the course.

Cole said we have current legislation that does not allow changes to the sink holes and thought the language to "minimize the sink holes" was not very appropriate.

Banach thought the amendment was a good one and he wanted it reiterated that park access is also included in this legislation.

Mayer thought sink holes and pollution issues were addressed and if we don't acquire this for the golf course, it will be privately developed and we will not be able to control any of these pollution/sinkhole/chemical issues.

Sabbagh asked if part of the Parks Dept proposal didn't already include park access from the neighborhood. Sherman said this is only about buying land not everything else and this amendment attempts to state what this council might like it to look like.

Service said she would support the amendment but didn't think it does very much, that council concerns have been ignored in the past and that no matter how much we attempt to minimize this or that the danger is always there if we attempt to do this foolhardy thing of putting a golf course in an environmentally sensitive area.

Banach thought the council was really off tract with this premature discussion.

Mayor Fernandez stated that he had no problem with the amendment and, for the record, said that city employees and department heads do not ignore council concerns or questions that are raised.

Jim Peterson suggested that for every mature tree that is removed that a minimum of at least 100 trees be replaced somewhere in Bloomington.

The amendment received a roll call vote of Ayes:9, Nays:0

It was moved and seconded that discussion be limited to no more than five minutes per person.

The motion received a roll call vote of Ayes:7, Nays:2 (Banach, Young).

Bill Hayden, Chairman of the Sierra Club, said he did not oppose the land purchase, that the issue is not the golf course, that the city does not sell the land if all the other things do not fall into place but that he is concerned about the trees and he hoped that there would be an appropriate time to consider the actual plans.

Jim Peterson said the Hook a Kid on Golf has been a tremendous program and there is 2 year waiting period, that Cascades is really the "Peoples Golf Course", it is used by all three high schools in the county, the playground is really deteriorating, that the timber area is not virgin timber but we should be working with the architects to save as much as possible. And he thought his earlier 100 tree replacement idea was still a good one. He thought that if a BOT can be created then the city can do the same thing, build the course and run it ourselves. He urged the council to have more faith in the Park Board.

Ron Beggerly (sp), Northwood resident, was pleased with the golf course expansion but did have concerns about the trees and hoped that the city would retain control of the property.

Kathy Thompson, Vice President of the Northwoods Neighborhood Association said that neighbors do favor the expansion of the course.

Jeff Smith, a seventeen year old golfer and Cascades employee, praised the Hook a Kid on Golf program, as well as all the other programs available for kids to experience the game. The new expansion would make it possible for them to play more even as beginning golfers

Barbara Hagan, Secretary of Northwoods said that while the neighbors had concerns and were operating under some erroneous information, all of that has been cleared up and that the association supports the expansion. She hopes the city will be able to purchase the land and supported the various conditions that have been raised this evening and that again, they do support the expansion.

Carol Edge, adjacent property owner also asked that the easement that is part of their property be vacated along the 15th tee. She asked that the vacation of the easement be changed to read: *vacate the tee*. This would eliminate a 50X70 ft area in their backyard. They have had a lot of problems in their backyard, let the tee revert to the way it was before the easement was granted.

Sherry Friley, a Fritz Drive resident, said that they feel like the forgotten neighborhood in this plan and she urged the Park Board and the administration to try to save some of the wooded, wilderness area as well as the ongoing concern about a sidewalk along Kinser Pike some time in the future.

Mike Carmin, spoke at length on behalf of the Lawson Family. This resolution will essentially eliminate whatever property options they might bring forward at some future time.

Tom McConnell, retired high school coach and principal, thought, after listening to all the comments that two minutes was more than enough speaking time and said he was in favor of the expansion.

Les Coyne, President of the Parks Board, said the department and the board see this as a very important project and that the "needs and wants" that have been discussed can be properly done. He thought they have had a pretty good track record as far as creating some wonderful projects, he appreciated the neighborhood support for this project, that the plan can work with a minimal impact on trees, that is is being built to be a peoples course, the any BOT has to go back to the council and assured the council that they do not have to feel uncomfortable with this project. If the extra land referred to earlier has to be purchased now, it would make the project almost impossible. The cost would just be prohibitive at this time.

Young said he was still trying to sort out the BOT and Coyne said he didn't have any firm answer for that one. Coyne thought we could build and operate it ourselves and that the BOT might not necessarily be the right answer or wrong answer.

Cole asked about golf course accessibility and if people can walk freely about the course. Coyne said it is a golf course and people will be excluded from the course when the little white balls are flying around. People can walk around the course at night, but people cannot be wandering around during the day. Access will be the designated walkway. She asked about the tee easement for the Edges and Coyne said that they are open to continuing this discussion, they have been incredibly patient but the

situation has to be looked at in the context of the whole course.

Banach, while not repeating everything that has been said, did say that there is neighborhood support and the Edges situation will be corrected, whatever it takes. Golfers are relieving themselves on the Edges tomato plants and that situation will be corrected.

Pierce said that if the vote tonight was to build a golf course, he would vote NO, but that is not the issue at this time. There are a lot of details that have to be worked out, environmental, cost, and park design. He said he trusted the Park Board and administration and while even doing the very best job, he might not be able to justify losing that 10 acres. Since there will be another vote this legislation provides us with the best options with which to make this decision. By the time we get to the BOT issue, and if he feels that the ultimate plan we get does not justify the loss of the 10 acres, he will vote against it.

Sabbagh said he thought the environmental issues can be worked out but his concern is about a sidewalk along Kinser Pike and the need for people to get to this park safely.

Sherman said this is probably one of the more significant pieces of legislation for him with many demanding issues to attempt to understand in order to make an intelligent decision. He said that he trusted the decision making process on the Parks Board's part and that a golf course would probably be fairly close to his number one choice for this parcel of land.

Service said without getting into a socio-economic debate on the value of golf courses, she said this is a more expensive sport than say, just picnic tables and woods. All of our Parks & Rec activities are geared to one population or another and the trick is to achieve a balance. There are a lot of private facilities that can offer golf but this is a big cash cow for the our department. What we are essentially doing is taking away the more passive activity associated with parks and woods and giving it to a golf course. This is not just a neighborhood park, it is a park for the entire community. She did not believe that we would allow a private developer to come before us with large sink hole areas without a plan and expect to have it pass. She thought the city should be held to the same level of detail. If this is approved tonight it still will not provide enough land for the golf course.

Young enumerated the various golf courses around the county and said that this course is something that the city can provide at a much lower cost than the private golf courses.

Cole said she would support this project although she had serious reservations about the expansion and she hoped that the course will remain affordable as "the peoples golf course". About a year ago, she asked Parks & Rec to consider bike paths along Kinser Pike and while this is not included we have heard a lot about sidewalks and safety. She then talked about the original purposes of the WestSide Industries Fund to prepare west side properties as we moved along toward annexation. Over the years the original ordinance has been amended, but we are getting away from the original intention with this purchase of land for park purposes, and she expressed strong concerns about this trend.

The ordinance, as amended, received a roll call vote of Ayes:8, Nays:1 (Service).

The council recessed for 10 minutes.

It was moved and seconded that Resolution 97-9 be introduced and read by title only. Clerk Williams read the legislation by title only.

RESOLUTION 97-9

It was moved and seconded that Resolution 97-9 be adopted. The synopsis and committee recommendation of Do-Pass 8-0 was given.

Dan Sherman, Council Attorney, said this resolution gives permission to the town of Ellettsville to annex areas that lie within three miles of our corporate boundaries. He described the designated map areas: blue is the northwestern most area from Bloomington, orange: is current corporate boundaries of Ellettsville, the arcs represent the three mile limit from Bloomington; lighter green is Phase 1; darker green is Phase 2. This resolution would allow Ellettsville to immediately begin the annexation process for Phase 1. If the conditions set forth in Section 3 of the resolution are met, then Ellettsville may, within three years, return to request permission, from the Bloomington Common Council, for Phase 2 to begin. Section 4 is a commitment on the part of the city to explore having Ellettsville join our MPO and Section 5 addresses what the process will be if Ellettsville returns in three years to begin the Phase 2 process.

A discussion ensued regarding the process whereby Ellettsville would return for the necessary approvals for Phase 2 and Sherman once again said that if the criteria are met, we are committing tonight with the adoption of this resolution to favorably consider permission to annex Phase 2. There must be two recommendations from the Planning Dept: have the conditions been met and is it in the long term planning interests of the city to grant permission for Phase 2.

Cole was concerned because the boundary is not that far from the NW corner of our current western city boundary. She said she would like an option that Phase 2 would not be taken for granted.

Don Hastings, Planning Director, said that we looked at how Bloomington might want to grow to the north and northwest and because of utilities in that area, it seems pretty clear that we would not want to go west of Smith Pike. Crestmont Park is about 2-3 miles from the boundary we are talking about. Rather than having a pattern of traditional bedroom sprawl and smaller towns on the outskirts planned for rural suburban standards, not urban standards, this proposition avoids that scenario. This also allows Ellettsville to grow with the necessary tax base to do the job and they want to step up to the next threshold and plan accordingly. Also at this time the county has procured a DOC planning grant that they will spend on Ellettsville with the necessary staff time dedicated to the Ellettsville area. So, in essence, we will not protest annexation if they agree to undertake these planning efforts and if there is a plan, corridor plans and zoning regs that amount to good planning, then we will favorable consider annexing to Smith Pike. This avoids piecemeal, year by year planning and allows for more solid, serious planning. Ellettsville will be using county planning services and we will also coordinate with Ellettsville and the county and this shared process will benefit us all.

Mike Cornman, Ellettsville Town Board President, said that what has happened in the Ellettsville area was caused by Bloomington's growth and that is good. He said that 40% of their school tax base comes from the westside industries in Bloomington and that has contributed to Ellettsville's growth. It is necessary to provide direction and the town council is committed to improving the entire process for everyone. He thanked everyone for all their assistance in making this possible. He said it was determined that the plan would be not to take the annexation effort any further than the township line and Smith Pike was a good stopping point.

Craig Kitsmiller (sp) a Phase 1 resident said that in the past Ellettsville has not exhibited very good planning, has one full time employee (Clerk Treasurer), water is purchased from Bloomington, and he asked if the Bloomington growth process has been recorded over time. Referring to old city maps back to the early 1900s he pointed out annexation expansions mostly to the south and southeast. The city has grown to the west as evidenced by the in lieu of annexation agreements. He reviewed many of the other growth areas of the city over the years and proposed that northwesterly growth is a real possibility. Finally getting to his point he asked that the resolution be amended to allow for the word "conditionally" consents in Section 1. He also asked for additional considerations for an action plan team to offer guidelines, hire a planner and report to the Bloomington Common Council within 6 months.

Young said that amendments must be in writing and that a number of points have already been discussed at other meetings and therefore it wasn't really possible to respond to his amendment suggestions.

Don Hastings said that ultimately the resolution addresses what we need. And as the agreement is executed it certainly assumes a good faith effort on Ellettsville's part that has already begun. Bloomington does want to grow to the northwest, but Ellettsville already extends to the Smith Pike area at one point and this agreement does not hamstring us in any way regarding our annexation interests in that area.

Cole asked what westside industries that Cornman was referring to for tax base funding and Hastings said it was the entire Curry Pike west side area industries. The western annexation was done prior to 1971 when contiguity was not a requirement and the annexation lines ran along the roads centerline.

Hastings agreed with Mr. Kitsmiller about the citizen planning committee and reporting back with a memo is a great idea. Mike Cornman also agreed that that was a good idea and no problem with putting a committee together.

Ron Mansell, Phase 1 resident, said that the Bloomington Council not give their consent and objected to annexations by Ellettsville or Bloomington and that the affected homeowners have had no opportunity or say in this matter. No one has ever been notified and that is why there has been no opposition voiced tonight. He did not think Ellettsville could provide the services currently provided by the county.

Randy Cassady asked how five parttime boardmembers can handle all of this and he suggested that there be a six month or one year time period to see how they are doing (planning grant for the NW part of the county) and then consider this. Mr. Cassady talked about a variety of things he was concerned about and how SR 46 has been down zoned, and how the most recent plan approvals, by Ellettsville, have allowed chainlink fences, barbed wire and weeds, no sidewalks and no street trees. He talked about his own business flooding problems. The county has done a good job with their approvals and their grant related projects and improvements.

Service said there has been a lot of correspondence from people who do not want to be annexed by anyone, pay the additional taxes, pay for services, etc. That is not what this discussion is about. All we are saying is that we are not opposed to Ellettsville starting an annexation process and those people who object need to go before the Ellettsville Town Board and express those concerns.

Mayer said that this resolution provides a good "outline" from which to be begin the process and the steps will define good planning for the entire area.

Young agreed with Service's comments and while people may not be happy with being annexed, they will be able to do more things with the higher revenues they will finally have.

Cole said she will support the resolution but was not totally comfortable with the Phase 2 option or possibility as it is defined.

The resolution received a roll call vote of Ayes:9: Nays:0.

There was no legislation for First Reading.

FIRST READINGS

It was announced that the council would begin their summer recess and would not meet for the rest of the month of August.

ANNOUNCEMENTS

There was no public input.

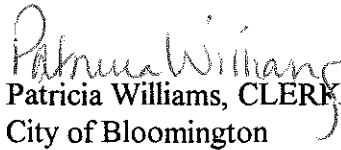
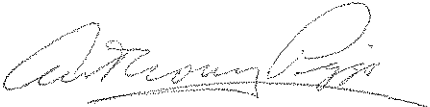
PUBLIC INPUT

The meeting was adjourned at 11:30 PM

ADJOURNMENT

APPROVE:

ATTEST:



Anthony Pizzo, President
Bloomington Common Council

Patricia Williams, CLERK
City of Bloomington