

In the Council Chambers of the Municipal Building held on Wednesday, March 5, 1997 at 7:30 PM with Council President Pizzo presiding over a Regular Session of the Common Council.

Roll Call: Banach, Mayer, Cole, Pizzo, Service, Sabbagh, Sherman, Pierce. Young arrived at 7:45 PM.

Council President Pizzo gave the Agenda Summation.

The minutes of February 19, 1997 were approved by a voice vote.

Sabbagh commended the BHS South Academic Decathlon Team on winning the State Championship, and particularly Coach Ruth Granich; BHS North winning the Basketball Sectional Championship and the upcoming State Basketball Finals and finally BIPARTISAN Mousepads for all! A City Council donkey and elephant design complete with bicycle helmets, "Putting Our Heads Together for a Better Bloomington". Thanks, David.

Service congratulated the Mayor on his Best of Bloomington Best Politician award.

Cole reported on her participation at the annual IACT conference, reviewing upcoming legislation and their impact on cities and towns. She will be attending the National League of Cities meeting in Washington DC next month. She also said that a national Arts Advocacy Day will be celebrated nationwide and also in Bloomington on March 11.

Mayer reminded businesses that a number of outdoor banners are beginning to surface and that they must comply with the city's regulations in that area and he also commented on the Thomson closing and urged the continuing need for a well educated work force as perhaps the most valuable asset we have to "sell our city" to potential employers.

Young commended the Bloomington Voice for developing a Job Search Page for Thomson employees. He also thanked the local basketball teams for such a good year and offered Best Wishes to BHS North as they progress toward State Finals.

Mayor Fernandez congratulated BHS South 1997 State Academic Decathlon Champions and their coach, Ruth Granich. He reported on the day trip to Washington DC with Bloomington community leaders to brief our congressional representatives on the RCA Thomson situation and the impact in our community.

Joni Reagan, Shelter Inc. Executive Director, updated the council on a \$10,000 allocation last year, from the council, for the transitional housing project called Moving Ahead. The start up funds have gone to office improvements, the Wylie Building St building has 4 apartments occupied, some repairs to the Dodds St building are underway and 4 more units will hopefully, be ready for occupancy for April 1.

It was moved, seconded and approved by a voice vote that the following persons be appointed to the stated boards and commissions:

USB	Reappoint	David Toumey
	Appoint	Lon Stevens
Tree Commission	Reappoint	Thomas Coleman
		Michael Crowe

COMMON COUNCIL
REGULAR SESSION
MARCH 5, 1997

ROLL CALL

AGENDA SUMMATION

APPROVAL OF MINUTES

MESSAGES FROM
COUNCILMEMBERS

MESSAGES FROM THE
MAYOR

COMMITTEE REPORTS

APPOINTMENTS TO
BOARD AND
COMMISSIONS

Arts Commission	Reappoint	Michael Conner Maureen Friel
Martin Luther King	Reappoint Appoint	Wendy Bernstein Thomas Feldman Justice St.Rain
Redevelopment	Reappoint	David Walter
Traffic	Reappoint	Peter Wright Buff Brown Christine Glaser

It was moved and seconded that Resolution 97-2 be introduced and read by title only. Clerk Williams read the resolution by title only.

It was moved and seconded that Resolution 97-2 be adopted. The synopsis and committee recommendation of Do-Pass 4-1-1 was given.

Doris Sims, HAND Director, provided a brief overview of the CDBG monies allocation for the One Million Ninety Three dollars.

Young asked about the possibility of a joint City/County Housing Inventory instead of just a city inventory and hoped that it could be considered.

Sabbagh also agreed with the county wide inventory and study of the number of units available in each price range in a dynamic manner, in other words, an ongoing study. He strongly urged the use of local expertise in this study.

Pizzo thanked the staff for implementing a new evaluation method for the various requests that are filed. Objectifying sound criteria was also done and done successfully and even though not every request was funded, the process was fair and objective.

Cole supported the inventory concept but thought the data for the city and county should be kept separate, that we really need to know what the status of formerly approved projects are and a current evaluation of those projects.

Service thought the county wide inventory was a good idea but was concerned that it would hold up the whole project while funding was determined.

Toby Strout, Middle Way Exec Director, complimented the various committees for their hard work and thanked the city for developing the new allocation/report process and hoped that it would continue to be refined. Strout said that the Housing Network actually requested funds for a housing inventory from the US Dept of Commerce, because it has been difficult to get funds in the absence of concrete data. She urged the passage of the current resolution and then work toward the county wide inventory plan and then engage the county for the broader funding effort. She also informed the council that less than 10% of the Animal Shelter budget is allocated for the housing of people.

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

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

It was moved and seconded that Ordinance 97-9 be adopted. The synopsis and committee recommendation of Do-Pass 4-1-1 was given.

LEGISLATION FOR
SECOND READING/VOTE
RESOLUTION 97-2

ORDINANCE 97-9

Toni McClure, Planning Department, presented a brief overview of the 1.75 ac site and in response to a major concern raised last week, showed a map that attempted to define if the area is actually a Core Neighborhood or a Residential Enhancement Area. The area is a Core Neighborhood. The petitioner intends to construct a duplex and then tear down his own home for another duplex. They can be used as duplexes or converted to SF dwellings if desired. Also planned are four additional townhouses. There are 8 units on this 1.75 ac site and the duplex concept would preserve a maximum number of trees on the site. This proposal received a favorable recommendation from the Planning Staff as well as the Plan Commission based on the understanding that it was in an Enhancement Area. She showed maps demonstrating the how the area could be interpreted as Neighborhood Enhancement rather than Core area.

Sherman thought the project fit the land as proposed. However the Plan Commission made a recommendation based on assumptions that were not true, can the council really have a recommendation from the Plan Commission.

Don Hastings, Plan Director, said that had the particulars been known, then staff would not have recommended approval for this plan. Core Neighborhood policies are very clear about intensification and conversion of SF homes into duplexes. West 8th Street is very much a Core Neighborhood.

Sherman was concerned about what we do in light of the Plan Commission decision, even though the decision was based on untrue information.

Dan Sherman, Council Attorney, said that if this is reverted back to the Plan Commission, there will not be a certification issued, maybe some kind of letter could come from them, but it gets messy, but if the council acts within 90 days, the council could do that.

Service said that this is a pretty good proposal, but wondered if the PC vote was valid in light of the zoning designation confusion. McClure said the zoning itself has not changed, the Growth Policy Plan designations of Core Neighborhood and Neighborhood Enhancement are advisory and intended to provide guidance and do not have the force of law that the zoning maps do. Hastings said that we could presume that the PC approved the rezone to a PUD based on an assumption that it was within a Residential Enhancement Area

Banach, while agreeing with earlier comments, said that voting no would not say the council did not endorse the concept, but was a way of avoiding getting bogged down in a procedural type thing.

Jim Sherman asked Dan Sherman if this could be tabled and a request of additional information from Plan Commission members be requested.

Dan said it would be unusual but they probably could.

Pierce said that could be a "rather messy" way of doing it, that perhaps the PC would want to recommended amendments to the PUD and then require another certification and practically speaking, it should be denied, sent back and have them (PC) adjust it, and then return to the council.

Cole said the core neighborhood concept was a hard fought one and she did not want to see the Westside with a change like this, based on

misinformation. "It needs to be done right and by the book", she said.

William Baus, the petitioner, was angry. He said that after dealing with the Plan Department he made numerous changes as requested to make the project desirable to a variety of groups; neighborhood, environmental and preservationists. The confusion over if this is a core neighborhood or residential enhancement does not matter. The zoning ordinance debate tried to have special restrictions on PUD developments and the council turned the citizen groups down. The ordinance does not restrict the establishment of PUDs in enhancement areas and his application was not based on that provision. He discussed the history of the area and other rezonings that have taken place that required special approvals in this core neighborhood for higher densities and duplexes.

He said that the immediate area has always been SF, the duplexes are really SF duplexes that can be used as good affordable housing. This plan accomplishes the infill provision of the master plan as well as preserving green space consistent with the SF character of the neighborhood.

Steve Jackson, a neighborhood resident, was concerned about this plan and said that no one had talked with him about this project. He expressed concerns about traffic, parking and the idea of apartments.

Sharon Goodman, also a resident, did not want the addition that would increase traffic and bring into the neighborhood people that no one knows anything about.

Scott Tibbs thought some of the procedural concerns are valid and it would be unfortunate to punish the petitioner for mistakes made by the city.

Baus said this plan would not have on-street parking and therefore is better than some alternative plans that might be proposed.

Service said the most of the PC discussion centered around gravel drives, that the term "core neighborhood" never came up and she thought that it would have made a difference. She thought it was a good proposal but was concerned about precedent setting and thus not a wise move by the council.

Sabbagh said he understood the Mr. Baus knew this was a core neighborhood, and while Planning may have stubbed their toe a bit on this, they are trying to rectify this and he supported that position.

Mayer urged neighbors to find out what is happening in their neighborhoods and ask questions and he urged Mr. Baus to adhere by the process.

Cole said this council has supported controls on PUDs in the past and it is regrettable that this has worked out this way. She commended him for saving trees and green space. She said she was not in favor of gravel drives and she hoped that the same standards that are applied anywhere else in the city would apply and be enforced on the west side.

Young said that if this was sent back to the PC he asked that fees be waived and Don Hastings, Planning Director agreed. Jim Sherman asked that the process be expedited as quickly as possible.

Pierce again expressed concern about PUDs under 3 acres anywhere in the city, east side or Westside.

The ordinance received a roll call vote of Ayes:0, Nays:9. The motion to approved failed.

It was moved and seconded that the following legislation be introduced and read by title only. Clerk Williams read the legislation by title only for First Reading.

Ordinance 97-10 To Vacate a Public Parcel re: An East/West Alley Between 1109 and 1115 S. Walnut St. (Johnson Oil Co, Petitioner)

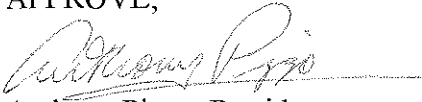
Ordinance 97-12 To Amend Ordinance 95-75 Entitled Establishing the Housing Trust Fund and its Board of Directors and Approving the Housing Trust Fund Endowment Agreement (changing the Initial Instructions to the Board).

Ordinance 97-11 To Amend Chapter 2.12 of the BMC Entitled "Boards, Commissions, and Councils" (Expanding the Bloomington Community Arts Commission.

Toby Strout, Executive Director of Middle Way House, was very opposed to Ordinance 97-11 and it was suggested that it will be discussed next week at Committee of the Whole and she was more than welcome to address it at that time.

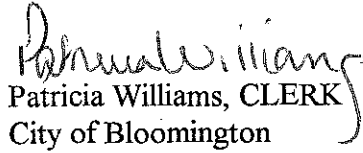
The meeting was adjourned at 9:20 PM

APPROVE;



Anthony Pizzo, President
Bloomington Common Council

ATTEST;


Patricia Williams, CLERK
City of Bloomington

LEGISLATION FOR FIRST
READING.

- ORDINANCE 97-10
- ORDINANCE 97-12
- ORDINANCE 97-11

PUBLIC COMMENT

ADJOURNMENT