

In the Council Chambers of the Municipal Building held on Wednesday, February 1, 1995 at 7:30 P.M. with Council President Kiesling presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
FEBRUARY 1, 1995

Roll Call: Sherman, Service, Swain, Pizzo, Kiesling, Cole, Hopkins, White, Bonnell.

ROLL CALL

President Kiesling gave the agenda summation.

AGENDA SUMMATION

The minutes of December 7, 1994 were approved by a voice vote.

APPROVAL OF MINUTES

Sherman thanked the folks from Bloomington Shoe Repair for their helpfulness and courtesy for fixing his squeaky shoes free of charge.

MESSAGES FROM
COUNCILMEMBERS

Service expressed her disappointment about the recent communication breakdown regarding the CFC downtown apartment complex and said she was particularly disturbed because she was never asked how she felt about the idea. She also thanked the Arts Commission for the post card packet and for the many programs, in general, that they are responsible for bringing to the public.

Swain commended the county for the increased industrial jobs they will be bringing to the county with the new TIF district that will be developed.

Pizzo reassured CFC that he will continue to support their efforts to bring low cost housing to Bloomington. Cole, on behalf of the Physicians for National Health Care, updated the council about upcoming state legislation which deals with changes in health care in Indiana.

Hopkins, who was in Cuba last week, saw first hand the terrible suffering of the average Cuban citizen because of the U.S. embargo against Cuba and hoped that we could do something to change this. Cuba is no security threat to anyone and the embargo should be lifted.

White announced an upcoming SOAP and Mortarboard Honorarium forum at the library on poverty.

Bonnell corrected some earlier statements he made last week about the parking enforcement staff and that he intended the comment as a compliment rather than as a criticism. He also commended the builders in Indianapolis for their increasing use of labor carpenters and the good job they are doing.

Kiesling congratulated Bethel A.M.E. Church on their 125th anniversary and their open house was postponed, unfortunately, because of inclement weather last Saturday. She volunteered to have persons contact her if they are interested in helping the earthquake citizens of Kobe, Japan.

Mayor Allison remarked about the CFC project and a recent HT editorial that chided the city about not trying to make the project work. She said the city did try to make the project work by doing a number of things: including expanding the downtown zone that does not require parking. This would have required Plan Commission approval. The petitioner, in this case, chose the BZA route petitioning for a hardship variance. Offering to solicit council support and meeting with developer and neighbors to work out differences, the administration thinks the plan is a good idea. We must follow the legal process and urged people to remember that the process exists so that everyone can be heard and in any interaction with citizens, there needs to be respect and restraint and a willingness to listen. Some criticisms that developers have raised are valid and can be improved but it is important to remember that the process is there because we are a democracy and people have a right to be heard. She also referenced a press conference supporting the economic benefits of the I 69 highway that took place

MESSAGES FROM THE
MAYOR

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earlier in the day.

JoAnn Alexander Brown told the council about the Arts Commission post card series and how successful this program has been for Bloomington.

MESSAGES FROM
CITY OFFICES

Service reported on Plan Commission workshops and gave the meeting times for upcoming workshops.

COMMITTEE MESSAGES

Tim Sutherlin said that he was heartened by the community reaction against shipping PCBs from the ABB factory site to a storage facility in Utah. He urged on site remedial storage rather than shipping it off for someone else to deal with. He asked the council to understand that people on the west side of Bloomington also desire shopping opportunities like the ones that exist on the east side.

PUBLIC INPUT

Rick Zabriski, BZA and Plan Commission member, said that he felt bad about the CFC apartment withdrawal because it was a good project. He said that what the BZA did was right but the result was not right and he urged the powers that be to try to achieve a faster track for good projects like this and in pursuit of this idea, a civic project registry would be set up and when an important, unique project comes along everyone would be informed and everything would be done to accelerate the process for the civic project.

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

BOARDS/COMMISSION
APPOINTMENTS

Dee McIntire	Historic Designation
Duncan Campbell	Historic Designation
Lisa Seitz	Human Resources
Sylvia Clemons	Human Resources
Nancy Howard	Human Resources *
Steve Sanders	Human Rights
David Walter	Redevelopment (1 yr)
Lisa Farnsworth-Law	Redevelopment (1 yr)
Mike Crowe	Tree Commission
Mary Vogt	Women's Commission
Butch Harris	Urban Enterprise Assoc
	*/**

* New Appointments. ** Unexpired term. All appointments are for two years unless indicated by an asterisk.

It was moved and seconded that Resolution 95-4 be introduced and read by title only. Clerk Williams read the resolution by title only.

LEGISLATION FOR
SECOND READING/VOTE
RESOLUTION 95-4

It was moved and seconded that Resolution 95-4 be adopted. The synopsis was given.

Bonnell read the resolution in its entirety. The resolution reaffirms our support for affordable housing. He felt that we all come to the table "with dirty hands", the city dropped the ball and the current process is essentially flawed. When a project like this goes before the BZA they are simply not equipped to deal with this type of issue. He said he was embarrassed that he did not do anything to help forward this particular project, however assessing blame does not build one unit of affordable housing. Affordable housing will require every party to give up something. He said he hoped that this resolution would stop the incessant harping and the "us vs. them" posture and the incessant level of criticism. He said we need to regroup and do better and we need to see that innovative projects don't get lost in the process.

White said that he discussed this resolution with Bonnell and they both thought it was important that the council be on record as supportive. The team approach is what is going to make this work. He said there are two groups, the activists and bankers and the city is often in the middle with two of the groups not communicating very well and everyone eyeing everyone else suspiciously. It is important that we don't let this opportunity pass so quickly. We thought that elected officials took some real hits for not supporting this. Honestly speaking, no one thought that this was going to be a problem. Several years ago CFC said that we needed to cut some of the red tape involved in trying to get projects done and we will need to get our acts together if projects like this are going to be viable. We have to fix the system if we are to be successful.

Swain said that he did not agree with the statement that all the parties come to the table with dirty hands. The council did not even see this proposal, that the petitioner approached the project in an adversarial manner and not in the spirit of cooperation. He said he will not support the resolution because it states the obvious, that the council has supported the proposals that have been heard, and that he hoped that CFC changes their mind. This is not the first time that CFC has had a project that incurred neighborhood concern and they could have dealt with it in a more congenial manner as they have in the past. Perhaps this is a political football in an election year. He said we do have to be concerned that our processes are followed and it is for the general good of all our citizens.

Pizzo said that he talked with CFC about this project last year and he said at that time he was sure the council would support this effort. He encouraged CFC to come back to the table.

Hopkins thought that Rick Zabriskie comments had merit and he thought that the petitioner has an obligation to let people know what is happening and wondered why the council was not told about this in advance.

C.R.M. Thompson, an adjacent neighbor, said that he did not want the project, that there are already 19 small and large businesses within this block. Parking is so critical and when there isn't even parking for visitors it will be awful. He thought it talked, walked and was a slum.

Dan Combs thought the Plan Commission has been diverted from planning deliberations to property rights preservation. CFC got low income housing removed from the Madison St condos. And they went to a lot of meetings to get that accomplished. He thought the problem was the fact that the Plan Commissioners and BZA members do not have any special education, workshops or direction as to what are valid issues. Once a year training programs would be helpful. A lot of issues are coming before these boards that do not belong within the purview of these boards. Hidden surrogate agendas will get us nowhere.

Activists and capitalists are coming together and neighborhood associations and NIMBYS are the ones in the middle. He commended the council for the resolution.

Jeff Stone thought the spirit of the resolution was conciliatory and showed regard for all parties in a common sense manner. He was disappointed that CFC

withdrew the petition and thought we needed to redesign our efforts.

Mike Gavin, Bicycle and Pedestrian Commission member read a letter in support of the project. Pedestrian oriented development makes sense.

Rick Zabriskie urged the council to look toward the system so that important projects will have a smoother track.

Tim Sutherlin said that this plan has been around for a long time. The council cannot legislate what the public attitude is or will be but it can address procedural considerations. Early communications broke down, last week in the zoning workshops and compatibility review was shot down, the question is what do we do now? Some deregulation is going to have to happen and we need to begin to make it happen now.

Cheryl Dameron supported the resolution and said that parking was a non issue at the BZA. CFC was willing to have all units low income, rather than the usual 10% allocation.

Mr. Thompson thought that if the richest man in the world could get "it", then one of the poorest men should also be able to get it. He resented a slum coming in and thought that everyone involved have nothing actually in this and are not living with this.

Talisha Coppock, representing the Commission for Bloomington Downtown urged support of the resolution and the project.

Marc Cornett thought that a lot of good faith effort had been shown tonight and he reminded people that when one gives up a car they become a pedestrian and that is good for the downtown. This project is a really good project and is compatible with the master plan.

Swain said he did not mean to imply that he had not heard of this project, but that he, as a councilmember was not aware of this.

The resolution received a roll call vote of Ayes:8, Nays:1 (Swain).

It was moved and seconded that Ordinance 95-8 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 95-8

It was moved and seconded that Ordinance 95-8 be adopted. The synopsis and committee recommendation of 2-0-7 was given.

Ted Rhinehart defined the boundaries of the proposed 4th Neighborhood Parking Zone in the northeast area of the city as proposed by the Traffic Commission. This particular zone will require some additional 2 hour parking to accommodate downtown businesses and the library. He outlined the proposed amendments to follow. Also to be considered are permits for non-resident landlords, dormitory and greek house allocations for permits, and concerns about employees of businesses along the fringe of the zone. He urged the council to concentrate on the boundaries of the zone and the 2 hour parking areas and then perhaps wait until later to work out the other questions of who and how much they pay and for what. There are about 1200 on street spaces in the entire zone and if we take out the 9 blocks in the NW corner, there are about 1000 spaces left. Census population is about 3100 for this area, 1373 housing units, 16 businesses with about 127 employees including

76 for AT&T at all times, despite their staggered shifts, greek houses have about 45 cars parked on streets, and Collins has about 150 cars in the area. If we go with the proposed amendments we would have 170 new 2 hour spaces, 67 on 6th St, 47 would be added on 7th St and 56 on the various cross streets.

White asked if a sub-committee might be the best way to go in resolving some of these questions. Ted thought it was a good idea considering the number of proposed amendments.

Bonnell asked Rhinehart if any of the amendments proposed by the council had been rejected by the Traffic Commission. Rhinehart said no, but in fact the Commission had originally considered expanding the zone to Walnut St. Regarding the hang tag for service, landlords, etc., Ted thought it was best to see how other cities with this experience have handled this area. It's a hard call to make and he wanted to give it more consideration. Unanswered questions like how many for each service business, how many employees in say, a real estate management company would have or need a permit.

The following amendments were moved and seconded and voted on individually in the appropriate parliamentary manner.

Amendment #1 to remove 9 blocks from the NW corner of the plan bordered by 12th St, Walnut, Grant, 10th St. was moved and seconded.

White said this area is so far away from campus that people just would not walk that far. But he has had calls from folks who live in the area and thought it would be very confusing for older people who live in there to try to deal with all of this.

Hopkins said he was in favor of leaving the 9 blocks in the zone. People have expressed to him concerns about "wholesale migration" into that area when Zone 4 is effective.

David Ferguson, representing the neighborhood association said that his group is in support of the 9 block area to be included in the plan.

Amendment #1 received a roll call vote of Ayes:1 (Service), Nays:8. The amendment was defeated and the 9 block area remains in the zone.

Amendment #2 to create a separate zone (Zone 5) for this 9 block area was moved and seconded.

Service supported the amendment as a way of eliminating the opportunity to live in one corner of the zone and park in another.

Cole thought it would be best to see if there is abuse of the "in-zone" parking.

Amendment #2 received a roll call vote of Ayes:1 (Service), Nays:8.

Amendment #3 to move the western boundary of proposed zone on 8th and 9th Street from Walnut St. to the first alley east of Walnut Street was moved and seconded.

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Service said the reason for the amendment is that there are no residents there and people who work downtown are used to parking in that area.

Rhinehart said that adds about 20 open parking spaces.

Amendment #3 received a roll call vote of Ayes:8, Nays:1 (Pizzo).

Amendment # 4-B deals with parking on Jordan south of Atwater to 1st St. is only one side parking (east), and those residents are in Zone 1. Parking south of 1st St allows parking on both sides of the street and Jordan is the boundary of Zone 1 and 2 straddling both zones. This clarifies the boundary split south of 1st St and the one-sided parking allowance north of 1st St.

Amendment #4-B received a roll call vote of Ayes:9, Nays:0.

Amendment #5 removes the cap on the number of permits for employees that work for businesses within the zone. So any employee could acquire a permit to park in the zone, relieving some of the pressure for businesses within the zone.

Service said this does not add any parking that does not already exist and seems only fair to the people that work there.

Terry Noe representing At&T employees said that there are now 183 employees that will need permits. She also said that when Indiana Bell split, the building went to AT&T and the existing parking lot to Indiana Bell. So AT&T did/does not own that parking lot. Do to the split nature of work shifts, there are approximately 71-84 persons there this week/per shift. Currently all employees park on the street. She went on to say that employees would be even willing to purchase the city parking permits if spaces were available but the lot nearest the building is always full.

Hopkins sympathized with the employees parking problems but noted that IU employees have not received any special considerations in any of these zone plans and their only alternative is a much more expensive parking permit. Noe said that at least IU employees have that choice. AT&T doesn't even have a lot.

Bob Sullivan representing the Commission for Bloomington Downtown, expressed concern for businesses not in the zone. In a recent "fringe" survey there are 70 people from Kirkwood and Walnut St that park in that area and there isn't an alternative at any price or they simply can't afford it. This will force them into the 2 HR parking spaces and if they don't park in front of their own business, they will park in front of someone elses and defeat the intended plan for 2 HR customer parking. He urged the council to lift the limit for the businesses within the zone as well as the "fringe" area.

Service suggested that more thought should be given this issue.

Steve Howard, Chamber of Commerce, noting that democracy was really fun in Bloomington, recommended that this ordinance go back to a sub-committee. He noted the fragility of many downtown businesses and the need for customers to be able to park somewhat near those

businesses if those businesses are to survive. He also said the chamber had some problems with leasing public streets for private use and he thought the council was sub-optimizing the solution and the problems we are having with this zone relates to problems created by/with previous zones.

Michael Dunn supported the removal of the cap of permits issued for the area and noted that the neighborhood is under pressure from both the university and the downtown. The whole purpose of the permit process is defeated if employees are taking up several hundred spaces. What is really needed is another parking structure.

Ted Ferguson also spoke in support of the amendment. Bonnell asked Ferguson about use of the IU parking garage and Ferguson said that essentially IU said no.

Hopkins thought that Howard's comments about sub-optimization are valid; that we have moved from a situation where once overparked neighborhoods are now almost empty. There has to be something in between. Perhaps a lottery is the best solution, rather than pushing this problem around town as we have done for the last few years.

Amendment #5 received a roll call vote of Ayes:9,Nays:0.

Amendment #6 allows parking beyond the 2 HR limit on the north side of 6th St between Lincoln and Grant and on the east side of Lincoln between 6th and 7th with a Zone 4 permit was moved and seconded.

Service said that Amendments 6 and 7 help the library with their parking problem as they expand and also does not penalize residents who live near the library. The public made it clear that they wanted the library to remain where it is and also made it clear that they did not want an entire block of houses demolished to provide parking, so something has to give and this is the compromise that has been made.

Rhinehart said this amendment would accommodate residents of the area and provides a reasonable mix of parking for everyone.

Bonnell was concerned about the parking and that if the library had been forced in concert with the city to create a reasonable parking solution, that cost could have been spread out over all of Monroe County residents instead of what we are left with, is essentially a parking lot paid for by city residents. He said we would not think of allowing any other business expanding two or three times and then saying they don't want to be in the parking business.

Amendment #6 received a roll call vote of Ayes:8, Nays:0 (White out of chamber).

Amendment #7 restricts parking on 7th St between Washington and Dunn to 2 hours unless the vehicle has a Zone 4 permit. Portions of the north side of 7th between Grant and Dunn are excepted because they currently have 30 minute parking restriction.

Service said this amendment addresses concerns of the church, the Red Cross, the library and the residents.

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Marjorie Hudgins and Terry Noe spoke in support of the amendment.

Amendment #7 received a roll call vote of Ayes:8, Nays:0 (White out of chamber).

Amendment #8 was withdrawn.

Amendment #9 adding a 2 HR parking limit to the east side of Dunn between 6th and 7th St unless the vehicle has a Zone 4 permit was moved and seconded.

Rhinehart said that the current 12 spaces in this block are unregulated and this provides more residential parking.

Amendment #9 received a roll call vote of Ayes:7, Nays:1 (Service).

Amendment #10 allowing the issuance of an all zone permit to qualifying landlords, property managers and service companies allowing parking in any of the parking zones was moved and seconded.

Sherman suggested that the wording be changed to "fewer than 20 units be allowed to have 2 permits. Bonnell also added a new Section 3 making the date effective as of April 1, 1995 and considered this an amendment to the amendment.

Bonnell said this need for all-zone permit has been called for by numerous landlords and property managers. Realty firms will be allowed one permit for every 10 employees and service companies will be allowed a maximum of two permits.

Rhinehart thought it could all come together by April.

Swain was concerned that this amendment should be done as an separate ordinance rather than tucked into this one.

The amendment to the amendment received a roll call vote of Ayes:8, Nays:1(Swain).

Peter Dvorak spoke in support of the amendment.

Dale Staten thought there was a lot of potential for abuse of this amendment. He thought there should be some type of cap on the number of permits.

Swain thought this was ad hoc legislation and was not comfortable that this was not structured as a public permitting process/ordinance and allow businesses affected by the new procedure to comment on it.

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

Amendment #11 directs the Director of Public Works and the Traffic Commission to report back to the Council recommendations regarding employees of downtown businesses who park in Zone 4 but work outside of the zone.

Bonnell said everyone understands the critical nature of a parking zone in close proximity to our two main commercial streets. Waiting to see what happens will be too late for downtown business/retail customer parking concerns.

White suggested a "friendly" tag on to the amendment: add: and residents of Zone 4 who reside in the residence halls or greek housing. It was further suggested that Sigma Chi, Kappa Alpha Theta, and Collins LLC be named specifically.

Brad Wisler, a member of Sigma Chi, expressed concern about the timetable for implementing this ordinance. Wisler was assured that contact would be made with a house member before the effective date.

White said greek house permits will be allocated in this zone the same way as the other zones taking into account the number of parking spaces each house has.

Sandy Coe, a zone resident, talked about parking in general and thought that greek houses were different than dormitory housing and that the university bears some responsibility for these student residents and the parking problems that the city is trying to solve.

Tara Walheart, a Collins resident, said unlike other dorms, Collins does not have any parking lot and 150 out of 460 residents have vehicles.

Sherman urged the students to make these concerns known to the appropriate university committee/staff persons in an organized manner.

Service thought IU should be involved in this discussion; that the residents who will park there with a permit are the ones that are parked there now; they are residents of this zone.

Amendment #11 received a roll call vote of Ayes:8, Nays:1 (Swain).

Brad Wisler urged input from students in the greek houses before the process begins and he urged flexibility from year to year.

Bob Sullivan and David Ferguson thanked the council for taking the time to listen and address their concerns. Dale Staten wondered why something cannot be worked out with IU and he could not understand why they aren't more responsive to some improvement ideas. Sherman said they are working on these things, it's just a complicated problem and it takes time.

Swain thought this ordinance should be tabled this evening because of this complicated process and we should have worked these details out in a large committee process as we did the other zone discussions.

Service said there was a committee that worked for a long time, hammering out a lot of details in advance.

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

It was moved and seconded that the following ordinances be introduced and read by title only for first reading before the council by the clerk. Clerk Williams read the legislation by title only.

LEGISLATION FOR
FIRST READING

Ordinance 95-07 An Ordinance to Reduce the County Income Tax Special Account Balance from a Six Month Balance to a Three Month Balance.

Ordinance 95-18 To Amend Title 3 of the BMC Entitled "Cable Communications Systems" (Revising Section 3.03.400 Regarding the Regulation of Customer Service).

Jim Tolen offered "lip service" to CFC and said that neighborhood associations are going to increase and sometimes they don't use very good judgement. Speaking bluntly, he chastised Pam Service as a Plan Commission member for speaking out against the Whitehall Crossing process for her arrogance and short sighted attitude to a commercial development on the west side that is so desperately needed and wanted by many of the residents out there. He thought she had already made up her mind and suggested that she soften her anti-business attitude.

Service responded by saying that she was forthright on her opinion about the project and when it comes to the council, everyone will make up their own mind. She said that if a proposal comes to the council, it should be where the Master Plan suggests it be located and not where the plan says it should NOT be retail. Before the ink is even dry on the plan and ordinances, there is a request to change it from the desperately needed industrial zoning. She said that she did not think it was anti-business to suggest industrial rather than commercial zoning.

NO PUBLIC INPUT

The meeting was adjourned at 12:10 A.M.

ADJOURNMENT

APPROVE;

Iris Kiesling
Iris Kiesling, President
Bloomington Common Council

ATTEST;

Patricia Williams
Patricia Williams, CLERK
City of Bloomington