

In the Council Chambers of the Municipal Building held on Wednesday, February 15, 1995 at 7:30 P.M. with Council President Kiesling presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
FEBRUARY 15, 1995

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

ROLL CALL

Kiesling gave the Agenda Summation.

AGENDA SUMMATION

The minutes of December 14, 1994 and January 18, 1995 were approved by a voice vote.

APPROVAL OF MINUTES

Sherman presented an Encomium to the Bloomington South Academic Decathlon State Champions and their coach, Ruth Granich, as they represent our state at the national championship in Chicago.

MESSAGES FROM
COUNCILMEMBERS

Service reported on final dates for the Plan Commission Workshops and final vote on February 23, 1995.

Swain announced the upcoming Black Expo in Indianapolis and he hoped that the city could provide some scholarships for young people to participate in the Expo. Cole congratulated Eleanor Rust, a Decathlon winner, who is one of Cole's art students and who took a medal in art. She urged people to communicate with their legislators regarding support for several mid-wifery bills that are working their way through the legislature. Hopkins recognized the presence of several of his students in the audience. Kiesling also wished Jack a Happy Birthday.

White announced his pleasure at the city finally landing a downtown hotel to be built at the Convention Center site.

Kiesling announced the upcoming annual Pre-School Screening Program that will take place this month. Consumers of various social services are needed for input on those services and how they can be made better.

Ben Rollins, Architect with Odle, McGuire, Shook presented an overview of the Morton Streetscape. The plan is to bridge the city, the university and the downtown topography with a tree-lined pedestrian walkway. The plan is conceptual and is by no means completed. The actual trees have not been selected, but they will be canopy trees. The diagonal parking along Hays Market on Morton St. will be retained.

MESSAGES FROM CITY
COMMITTEES/OFFICES

The Mayor thanked every one involved in the project.

The Parks and Recreation Department highlighted the awards they have received for Kid City and for the Twin Lakes Sports facility and the tournaments that are held there. The estimated economic impact of these events can range from \$600,000 to a million dollars and all the tourist related business' benefit from the influx of people and teams.

Mayor Allison presented an Encomium for departing Parks Director Norm Merrifield, who is leaving Bloomington and assuming the Deanship of the Parks and Recreation Program at Vincennes University. He thanked everyone for their kind words and the support the city has provided for the Parks Department.

MESSAGES FROM THE
MAYOR

Allison also presented a proclamation for the 75th Anniversary of the League of Women Voters to League President Nancy Lumbley and announced the upcoming Women's History Luncheon on March 1, 1995.

Sherman updated the council on the Police Communications Systems Interim Report and thanked Richard Jackson, Joe Starry, Jerry Forshee and Steve Sharp for their involvement. He noted that MDTs were explored initially but determined to be very expensive. Now cellular systems are a very real possibility and because new radios are necessary the lower cost of the cellular systems would allow the purchase of those radios as well.

MESSAGES FROM COMMITTEES

Steve Sharp said that new technology is surfacing every day and as we move toward a 800 mgh system in the next 5-8 years we will realize an improved technology.

It was moved, seconded and approved by a voice vote that the following appointments to boards and commissions be made:

BOARD/COMMISSION APPOINTMENTS

- Arts Commission: Michael Conner *
- Maureen Friel **
- Animal Control: Cynthia Neidhart *
- Telecommunication: Sharon Mayell **
- HQAB Bruce Jennings *
- Darrell Marshall *

* Reappointment ** New appointment

All terms are for a two year period.

It was moved and seconded that Resolution 95-1 be introduced and read by title only. Clerk Williams read the resolution by title only. It was moved and seconded that Resolution 95-1 be adopted. The synopsis and committee recommendation of 9-0 was given.

RESOLUTION 95-1

Chuck Ruckman explained that this resolution and the subsequent ordinance implement a new provision in Indiana Code that allows cities who have adopted COIT to elect to reduce their special account balance. This means that a one-time distribution of COIT would be determined by the state and the money would be available early in 1996. The money is currently held by the state, on our behalf and this legislation would allow money to be distributed to local government so that we could hold it ourselves.

The resolution received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 95-7 be introduced and read by title only. Clerk Williams read the resolution by title only. It was moved and seconded that Ordinance 95-7 be adopted. The synopsis and committee recommendation of 9-0 was given.

ORDINANCE 95-7

Bonnell asked if the funds would be budgeted in 1996 and Ruckman said yes. White suggested that our long term debt and liabilities be reduced by these extra funds rather than exercise the natural tendency to go on a shopping spree. Hopkins said this is not extra money but part of the regular revenue monies.

Ruckman said the monies can only be used for capital projects and programs unlike other COIT funds that are not dedicated. The state essentially holds the money in escrow and this legislation says to the state that

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they can cut that balance in half and distribute it. It isn't new money but a one time advanced distribution. It's early money.

The ordinance received a roll call vote of Ayes:8, Nays:0

It was moved and seconded that Resolution 95-2 be introduced and read by title only. Clerk Williams read the resolution by title only.

RESOLUTION 95-2

It was moved and seconded that Resolution 95-2 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

Chris Spiek provided an overview of the proposed project for tax abatement for 6 SF detached units at Miller Drive and Highland Avenue. All zoning approvals have been granted, the HOME new rental construction program as well as tax abatement has been requested. The rent will be controlled for 20 years in exchange for some initial construction assistance. The two subsidies provide about an equal amount of revenue from the foregone rent that will not be made because of the rent control factor.

Kiesling asked why we were not encouraging owner occupied units. Spiek said we are but there isn't the necessary capital in the HOME program budget at this time. He said it was the petitioners choice to keep it as a rental.

Sherman was supportive of the project and all of the subsidies have come from the HOME subsidy and the tax abatement and he would like to see more of a partnership where everyone contributes in some way: the city, the county, HOME program, tax abatement and the developer gives something. Spiek said the developer can speak to this, but that he did not intend to make a big profit on this.

Hopkins did some quick profit estimating and thought that with the cost vs the monthly rent, there is a very handsome return on the investment. Spiek said the subsidy is not really that high, the long term nature of the commitment that the petitioner is making and documenting all the tenant qualifications requires a lot of extra effort on the part of the petitioner, rather than the open market. Hopkins said he too regretted using HOME money on rental property. Spiek said this is a better return on our money than the home rehab program.

Tamara Pollack, the petitioner, said that this was their first affordable housing proposal and the small number of units provides a nice mix of different occupants in the community.

Hopkins said he was glad this was happening in the Miller Drive neighborhood.

Bonnell said he was glad to see the development. He said he was still concerned that the city still allows tax abatement in this area and yet we have now learned that there probably won't be any more Redevelopment money going into this area and yet there are still streets in desperate need of attention. We don't have any tax abatement standards any more, tax abatement is given to anyone who knocks on our door.

The resolution received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 95-18 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 95-18

It was moved and seconded that Ordinance 95-18 be adopted. The synopsis and committee recommendation of 8-0 was given.

Matt Pierce, President of the Telecommunications Council highlighted points of the Federal Cable Act granting cities the right to regulate customer service, including consumer protection ordinances. An ordinance was approved that put in place rules that would be binding upon TCI in the area of customer service and when a rule to regulate rates is considered the Board of Public Works would then approve it, and there would be a 30 time period in which the Common Council could act to veto the legislation. If the council did not act, then the rule would automatically become effective. The first rule was to regulate the flat \$5 late fee that TCI charges and the rule said that fee should be limited to 10% of the overdue bill up to a maximum of \$5. TCI did not want to recognize the rule and the TCC and city legal began the process of enforcing compliance and enacting fines. TCI then suggested that the delegation of authority to the TCC to adopt the rule might not have been precise enough. So there were two choices: rework the ordinance to eliminate the ability of the cable operator to raise these types of issues and 2) the TCC will recommend ordinances in the area of public service, the Board of Public Works will approve or remand the recommendation back to the TCI and then it would come to the Common Council in ordinance form.

It was moved and seconded that amendment #1 references Federal Regulation that layout federal standards for customer service.

Amendment #1 received a roll call vote of Ayes:7,Nays:0 (Bonnell out of chamber).

It was moved and seconded that amendment #2 which streamlines the process at the last step and eliminates the remanding of the ordinance once it is approved back to Public Works.

Amendment #2 received a roll call vote of Ayes:8,Nays:0.

Pierce said that the TCC will have a public hearing on February 28, 1995 at 7:30 P.M. in the Council Chambers to receive input related to late fees. TCI has also filed an .11 increase request for basic services and that will be included in the public hearing.

Lynn Coyne said that TCI will, as of Monday, observe Rule 94-1, the 10% of the overdue amount up to \$5 during this 30-60 day process.

The ordinance, as amended, received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Resolution 95-5 be introduced and read by title only. Clerk Williams read the resolution by title only. RESOLUTION 95-5

It was moved and seconded that Resolution 95-5 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

Bonnell said this resolution addresses economic development from a human resources perspective and this plan would address technical training needs of new businesses coming into our community. This resolution is a statement to the economic development community that is a call to action and a way to develop training programs as a community and increasing the skill level of our workforce. He stressed that there is no commitment prior to the budget process for any support for this or any plan at all. That support will come if a good plan is put forth and it won't be there if a good one is not developed.

Keith Dayton, Labor liaison spoke in support of this resolution as did Jeff Brantley, of Positive Progress, who said this is not an effort to duplicate any other effort but that where there is an absence of any other program this will serve a need. He talked about retraining the kind of workforce that the future will require.

Swain said he would abstain, that this was an innovative idea but that he was concerned about the timing and noted that both Keith Dayton and Bob Wagner are on the PIC (Private Industry Council) and when talking with a Workforce Development person, they had no knowledge of this proposed resolution. He asked what people would be trained for and he thought that the real incentive should still be for industrially zoned land.

Ron Willett spoke in support of the resolution and said it was designed to raise awareness of the need and thought it was equally important or more important perhaps than the emphasis on acquiring industrially zoned land. One problem is an obsolete view of industry as smoke stacks and manufactured items produced in a factory. Industry has changed and the future is not in low technology with satellite plants as we know them today that are so vulnerable to relocation. Higher technology products are the ones we should be trying to attract and the need for well trained personnel is essential for this real world technology. He said a recent BEDC study indicated that there are only about 15 available sites for industrial land and there are real constraints on what is available. If these constraints, such as the topography, Karst, etc are problems, then we need to be looking for industries that are not land or capital intensive. There are high tech companies that don't even look like industrial companies as we know them and would not be interested in locating in what we are defining as industrial parks. They want to be located in residential areas and these companies look like they belong there. The industrial landscape is being redefined because of "knowledge" industries. We may say that should not be the case, but in fact it is and we have to adjust to this new concept of industry. Upgrading our workforce is a national goal and we should make it our goal.

Bonnell said workforce development has not been left out of the partnership and cited meetings with numerous organizations. This plan makes workforce development a supplier not the manager of training and will be on equal footing with other members of the community. This expression of commitment, the resolution, allows for the leveraging of grant money. There will be a commitment from businesses before any training will be done. Jim Murphy, President of BEDC, submitted a letter of support that does not support any specific plan, but agreed that our community needs to explore options for

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workforce training.

Kiesling emphasized that this resolution does not guarantee or obligate any budgetary appropriation.

The resolution received a roll call vote of Ayes:8, Nays:0, Abstain:1 (Swain).

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

LEGISLATION FOR
FIRST READING

Ordinance 95-11 To Amend the Bloomington Zoning Maps from RL/PUD to BA/PCD and Amend the Outline Plan re: 105 Westplex Avenue (Robert Shaw, Petitioner).

Ordinance 95-19 To Amend Title 15 of the BMC Entitled "Vehicles and Traffic".

There were no petitions from the public.
The meeting was adjourned at 10:05 P.M.

PUBLIC INPUT
ADJOURNMENT

APPROVE:



Iris Kiesling, President
Bloomington Common Council

ATTEST;

Patricia Williams, CLERK
City of Bloomington