

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

COMMON COUNCIL
REGULAR SESSION
MARCH 1, 1995

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

ROLL CALL

Kiesling gave the agenda summation.

AGENDA SUMMATION

There were no minutes for approval.

MINUTES FOR APPROVAL

Sherman commented on our community pride and support for Crane Naval Depot and that despite military cuts nation wide, our facility will remain and in fact increase by approximately 1800 transferred job/positions. He also urged us to remember that while we have benefited from cuts elsewhere it is important to realize that other communities are hurting because of this. "There is another side to our good fortune".

MESSAGES FROM
COUNCILMEMBERS

Service reminded everyone to register to vote if they wish to vote in the upcoming primary election.

Hopkins said that there will be a relief benefit this Friday evening for the earthquake victims in Kobe, Japan. Kiesling announced upcoming pre-school screenings as well as the zoning ordinance meeting schedules.

It was moved, seconded and approved by a voice vote that the Council Committee of the Whole meetings for March 8 and March 22 be cancelled.

It was also moved, seconded and approved by a voice vote that the Regular Session and legislative agenda items for First Reading this evening will be rescheduled from March 15 to March 22, 1995 and voted on that evening.

Council Attorney Sherman emphasized that the continuous meeting schedule allows the special session to be continued from meeting to meeting without adjourning. Amendment must be in writing and presented in advance to the Clerk. The one week hiatus in the meeting schedule is due to the IU Spring Recess and the desire not to meet when so many persons in the community are out of town.

It was moved, seconded and approved by a voice vote that the following board and commission appointments be made:

APPOINTMENTS TO
BOARDS & COMMISSIONS

Jim Sherman as the Council appointment to the Plan Commission for 1995 replacing Pam Service after March 13, 1995.

Bicycle and Pedestrian Commission: Michael Gavin*
David Gerbig*

* Two year appointments

It was moved and seconded that Ordinance 95-19 be introduced and read by title only. Clerk Williams read the ordinance by title only.

LEGISLATION FOR
SECOND READING/VOTE
ORDINANCE 95-19

It was moved and seconded that Ordinance 95-19 be adopted. The synopsis and committee recommendation of 4-2-2 was given.

Ted Rhinehart gave an overview of the each proposed code change. Because the petitioner required several variances prior to modifying the old Johnson Creamery they included every available parking options, leasing space on adjacent properties, to the rear of the property as well as the street parking. Prior to the renovations this area of 7th St had not had enforced parking. Now it is necessary to modify this parking

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situation to accommodate the businesses that will be located in this building. There is a mix of parking in the general area and in order to make things less confusing we might consider 2hr parking rather than 1 hr as stated in the ordinance. He said the problem area at the RR pedestrian crossing will be corrected. He also addressed handicapped parking and said that access would not be very safe or good at that location.

He also addressed Hawthorn St changes and the corrections would be NO PARKING on the west side of the street AT ANY TIME and that the east side allow parking except for the yellow curb areas.

And finally YELLOW CURB violation is accurately defined. NO PARKING is allowed on any part of a curb by any part of a vehicle.

It was moved and seconded that the ordinance be amended to state: 2 hr parking on the north side of 7th St and make the south side parking on 7th between Madison and Rogers, 2 hours.

Duncan Campbell, project architect, said that 3 handicapped spaces are available in the rear of the building and there are adequate curb cuts for handicapped street access.

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

It was moved and seconded that Resolution 95-3 be introduced and read by title only. Clerk Williams read the resolution by title only. It was moved and seconded that Resolution 95-3 be adopted. The synopsis was given. RESOLUTION 95-3

Chris Spiek gave a brief overview of this confirming resolution for Tax Abatement for a 10 year period for the Abodes project on Miller Drive that was previously approved by this council two weeks ago.

There was some discussion regarding the "seeming" lack of council enthusiasm for this project as outlined in a letter from the petitioner after the first resolution was approved. Councilmembers assured the petitioner that the project was a desirable one, that one comment about financial profits was incorrect and apologies noted and that general guidelines and rules must be determined and made more definite.

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

It was moved and seconded that Ordinance 95-11 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 95-11 be adopted. The synopsis and committee recommendation of 4-0-4 was given. ORDINANCE 95-11

Lynne Friedmyer outlined the details of the proposal requesting the moving of a zoning line approximately the width of the parking lot so that the existing lot can be used for the textile business located there. The original plans called for deleting a duplex and putting in 8 white pines to be used as a landscape buffer. The

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duplex was deleted at that time to allow for a buffer as required in the code. At that time no one was particularly concerned about the loss of one duplex (there are 3 units already there). The parking lot and the duplexes we are discussing here are not built and it appears that there is plenty of room for the original plan, that included the four duplexes. Our standards require a 30' buffer between residential and industry and she thought that a lower type of vegetation might work as well as the pines

John Rose, the textile facility owner, was available for questions and said that there would be an immediate increase of two jobs now as perhaps 4-5 at a later time.

Robert Shaw, the petitioner, spoke in support of the project.

Service elaborated on the reason for buffering and why the code requires it. More affordable housing should not have to be subjected to the more negative effects of industrial zoning uses and that is why the buffer zones exist in the first place. That is also the reasons why specific plantings are indicated, as some tiny bush is not going to have the screening effect that a large evergreen has.

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

It was moved and seconded that Resolution 95-6 be introduced and read by title only. Clerk Williams read the resolution by title only. It was moved and seconded that Resolution 95-6 be adopted. The synopsis and committee recommendation of Do-Pass 5-0-3 was given.

RESOLUTION 95-6

Chris Spiek gave an overview of the entire CDBG process as outlined in the synopsis of the resolution. The Citizens Advisory Committee, the Redevelopment Commission, the Mayor and finally the Council as the path that the requests take. No more than 15% of the total grant may be given to social service agencies, and no more than 20% may be allocated to department administration (Redevelopment is only asking for 13% administration fees) and the rest of the monies is for physical improvement projects. He urged people to be aware of possible congressional cuts to HUD which funds CDBG, by about 8% cross country. This could affect appropriations this year if this rescision bill passes the congress.

Sherman said that last week Area 10 Agency on Ageing expressed concern about being cut from funding list. He talked with the advisory committee and said that there are reasonable reasons for the decisions and the message was that this need can be met by other agencies. He was concerned about the 184 people who were served last year and hoped that one way or another these people would be served. Spiek and Sue Wheeler agreed to help fill the funding/service gap.

Bonnell urged Spiek and Wheeler to come back to the council for additional funds if the service cannot be provided. They agreed that they would do so if necessary. There are agencies that could take these on, without too much of a stretch.

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White thought it was hypocritical of our federal government when they say local government should make these local decisions and then threaten to take the funding away. This is a model program of local government doing it better.

Pizzo said that the committee was unable to increase the monies for any of the agencies and said that the agencies that deal with children received the needed start up funds.

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

It was moved and seconded that Resolution 95-8 be introduced and read by title only. Clerk Williams read the resolution by title only. RESOLUTION 95-8
It was moved and seconded that Resolution 95-8 be adopted. The synopsis was given.

Service read the resolution in its entirety supporting the funding for public broadcasting and noted that there is wide-spread support in this community and the citizens respond with a lot of money of their own. Hopkins agreed with Service and was concerned with the repetitious levels of violence that have to effect children. Swain said again there is a hypocrisy when the very people who want to cut public broadcasting are supporting "family values" and public broadcasting certainly does that over commercial TV.

Mayor Allison said that public television is particularly important as an educator, that public airways belong to the public and that public broadcasting is most responsive to what people want.

Don Agostino thanked the council for their support, noting that WTIU/WFIU have served the local area for over 26 years and are committed to continuing regardless of the funding situation.

Bonnell said that the current congressional bill would cut 15% in 1996 and 30% in 1997. Agostino said that on a local level they receive about \$768,000. So the cuts for '96 would be about \$100,000 and doubled for '97. He used Sesame Street as an example: Cost per year is \$45,000.

White asked about the commercial spin off that is derived from certain childrens' shows and why isn't that money put back into the programs. Using Barney as an example; when it turned out to be successful, and when new contracts were negotiated, a 30% cut was made and the current Barney programs is paid for entirely by the fees from the previous sequence.

Steve Howard, Exec. Director of the Chamber of Commerce said that the chamber's resolution wholeheartedly supports public broadcasting.

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

It was moved and seconded that Resolution 95-7 be introduced and read by title only. Clerk Williams read the resolution by title only. RESOLUTION 95-7
It was moved and seconded that Resolution 95-7 be adopted. The synopsis was given.

White, the sponsor of the resolution, read the resolution in its entirety. He noted the direct correlation of highways in this state with the development of new industrial and manufacturing sites and the subsequent jobs that they provide. He said that NAFTA has made this a much more viable option and this road will help to raise the economic benefits, the highway will also increase the efficiency and productivity of businesses using the highway, that a conservative employment increase could add between 2100 and 2400 new jobs in the area, and that Crane continue to be competitive. The change in the new atmosphere in congress needs to hear the message that we think this highway is important and he listed all the Indiana officials who have endorsed the highway.

Service said that better transportation can help communities and that she supported the existing route proposal, NOT the new terrain road that could be the final road location decision.

It was moved and seconded that the following amendment be considered: Amendment #1 urging INDOT to hold public hearings especially where environmentally sensitive areas are likely to be effected by this project. Hopkins urged that the amendment be reworded to read: the construction of the road be delayed until EIS process is completed. (This is actually going to be Amendment #2 and voted on later in the evening.) A friendly amendment to Amendment #1 requests that instead of the use of the word "city" in the resolution, the corrected version will read "council".

Tom Tokarski said that the EIS is due out this spring. A consultant is doing the study for the Department of Transportation (DOT). By law they cannot go forward with construction until the full EIS process has been done.

Tim Sutherlin said that the public hearing that INDOT conducted last year was a travesty and an elaborately contrived meeting to solicit public input on each of three routes.

Bill Hayden said that there is a state legislative bill calling for public hearings, but it is not going to redeem this particular project. The real problem is the route they have chosen.

Amendment #1 received a roll call vote of Ayes:7, Nays:0 (Swain left meeting).

It was moved and seconded that Amendment #2 be introduced that the Common Council further urges that the any construction of the Indiana section of the road be delayed until the completion of the full EIS process. (This includes public hearings as well as issuance of permits)

Bob Klawitter said that EIS includes only that section from Bloomington to I-64 in Evansville. There will be legal challenges to this proposal. The studies suggest that the most marketable area is between Bloomington and Indianapolis and that is not even included in this EIS. The council should ask that the EIS be done on the entire route, not just the road south. Sherman asked why it is a limited study. Klawitter said it is more difficult to do an entire study and they hope to get the southern part approved and the project underway. Bill Hayden thought the reason for the EIS not being done would be the apparent value of considering other routes

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that are not being considered now.

Amendment #2 received a roll call vote of Ayes: 7, Nays:0.

Jim Newland, Representing the Mid-Continent Highway Coalition that includes 7 states, stressed that this project would develop a quadrant of Indiana that struggles to survive. This road is about the future, about jobs, about putting 14,000 people to work and about a modern transportation system. He gave the various county average incomes and said that Monroe's average per capita income is more than \$3,324 below the other counties. In this county alone, 322 people were killed over a 20 year period and 19,532 people were injured on these inadequate county and state roads. In all 12 southwest counties a total of 2,420 were killed and over 100,000 injured. He said that number of Ford automobiles exported to Mexico since NAFTA numbers 16,000 compared to a year ago at 1700. Illinois' Caterpillar Co. exports have increased by 77% Opportunities will be lost if this road is not built.

Bob Klawitter said in essence that this is a compassionate council and there is no doubt that this is not a compassionate project. What we get from Mexico is cheap labor. He talked about how difficult it is for the employers in the SW to find workers for the existing industries. He said that some of them are actually importing out of state employees to fill their worker needs.

Mayor Allison iterated a statement in support of the highway, noting that all the economic development efforts quickly realize that there is not a modern highway to move manufactured goods, the growth in other communities is related to the existence of a highway. The real question is what is our goal, growth, jobs, safer roads and what it takes to get there. The SW part of the state is not growing like the other state quadrants.

Tom Tokarski representing CARR urged the council to table this resolution, saying that there are just too many unanswered questions. The EIS that will be out this spring will designate the specific route, cost estimates, what roads will be closed, etc. There needs to be more information on which to base a resolution. There are many things to consider and he reminded the council that an earlier resolution dealing with SR 37 and 46 is still unresolved.. He also talked about the lack of state and federal highway money needed to update existing roads.

Larry Weaver, a Crane employee said that while Crane did not score high on access to nearby highways despite the obvious need, other aspects of the area like quality of life were important. Crane is trying to regionalize their operations and that has been a strong reason for their survival and a highway will be important.

Jerry Sirucek said that more local study is needed and several routes are being considered and several important routes have been ignored.

Linda Williamson said that the highway is an investment in our community and our state. Manufacturing adds to our local tax base. Twenty two out of twenty six local companies in a recent survey said that a highway was very important to their businesses.

Clark Sorensen said that the lowest cost estimate for this road is \$800 million and that has to come from somewhere. He thought this highway should be suspect for

anyone who takes the time and thinks about it. Marti Crouch said that we need to temper our decisions about the mythology of the future and using highways to increase local economies has been tried thousands of times across the country. Local owned businesses suffer as highway franchises increase and ghost towns exist just a stones throw from highways.

Jeff Brantley said that he is a former opponent of the road and is now a supporter and that the highway is a pro active investment in our areas' future.

Matthew Frank presented a petition of 20 businesses in the area that oppose a new terrain route for I-69 and seek alternative routes. He said he was offended by personal comments directed toward Tom Tokarski in a recent radio program by a Chamber of Commerce representative.

Jim Ruese, representing the Chamber used as an example the tremendous improvement that the 4 laneing of SR 37 has made for Bloomington.

Steve Howard said that jobs and safety are the main reasons for supporting the road. He said his comments on the radio show were not directed to Mr. Tokarski personally but toward his ideas.

Tim Sutherlin said this resolution will have an impact on the course of this project and force people to think about what the real issue is. I69 means a new terrain highway and means monies will not go toward making other state roads safer. Other routes would be cheaper and less invasive than this new terrain road. He urged the council to table or reject this resolution for it is for I69 and all that that implies.

Bill Hayden said that the Sierra Club opposes the project until the EIS is done and a major investment study completed and he talked at length about environmental issues, the defeat of Frank McCloskey, Chamber of Commerce lobby efforts and Positive Progress nasty billboards that have had a negative effect on the community. The road is just not needed. Existing roads are appropriately located for widening and expansion of uses.

Service said that the arguments on both sides have been good ones as well as bad and thought some of the positions on both sides were extreme. Frank McCloskey's defeat was not the highway because his opponent supported the road too. She said she is not prepared to vote for this resolution at this time, but also could not really vote against it -- a real dilemma. She said she would move to table the resolution after the discussion is completed or that she would abstain.

Sherman said that in three and a half years he has never hesitated to state an opinion and has always tried to understand the debate. He felt that he has not had time to study the issue, hundreds of hours have been spent on a zoning ordinance, solid waste issues and believe it or not he has a real job.

Pizzo said that most reasons the council is in session until midnight most nights is because we have to deal with conflicting opinions, facts and sometimes emotions. Choices have to be made and anyone in public service has to be concerned with social justice and how this impacts people lives and economic health. This is simply one way of saying we want a better life for the citizens of our community.

Bonnell said that the new Congressman's support of this road seems questionable and wants to pay for it in an

unrealistic way. McCloskey supported the road because it would mean jobs to the state, local labor also supported it because of jobs, and said that this road is the only realistic way to tie our community with communities to the south.

Hopkins said he was troubled by the resolution, and supported the amendments because they would make it better. In the end this is not a simple issue. The arguments have been extreme and he thought it was incredible to be asked to support a road and not even know where it will go.

White said he felt like he had been misled, that the leadership of this council said that only one hearing of this resolution would be necessary. He said he tried to be amicable and doesn't often try to come up with his own proposals and to say that this is complex, when complexity did not prevent us from discussing national health care, the Persian Gulf war and voting on them. Our economy, in order to prosper, depends on transportation. He made the motion to withdraw the resolution and Service seconded the motion.

The motion to withdraw received a roll call vote of: Ayes:5, Nays:0, Abstain:2 (Pizzo, Bonnell).

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

LEGISLATION FOR
FIRST READING

Ordinance 95-9 To Outline the Bloomington Zoning Maps from RS and MG to BA, Grant a PCD Designation and Approve an Outline Plan for the Expanded PCD, and Otherwise Amend the Outline Plan re: 1360 Bloomfield Road. (Rogers Group, Inc., Petitioner).

Ordinance 95-14 To Amend the Bloomington Zoning Maps by Granting a Historic Designation re: 213 S. Rogers St (Joe and Patricia Harrell, Petitioners).

Ordinance 95-16 To Amend the Bloomington Zoning Maps from RD/PUD to BL/PCD re: 3800 N. Prow Rd (Lee Marchant, Petitioner).

Ordinance 95-20 To Establish Title 8 of the BMC Entitled "Historic Preservation and Protection Districts" (Establishing Procedures for Designating Historic Districts in the City of Bloomington).

Ordinance 95-21 An Ordinance to Repeal and Replace Titles 20 and 21 of the BMC and Incorporated Maps.

Doug Jones suggested a housing committee to be formed to help with the upcoming growth of the Crane Naval Base.

MESSAGES FROM THE
PUBLIC

Dan Sherman reminded the council that the Council will begin hearings in continuous session for the zoning ordinance next Monday.

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

ADJOURNMENT

APPROVE;

Iris Kiesling, President
Bloomington Common Council

ATTEST;

Patricia Williams, CLERK
City of Bloomington