

In the Council Chambers of the Municipal Building held on Wednesday, March 23, 1994 at 7:30 p.m. with Council President Sherman presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MARCH 23, 1994

Roll Call: Service, Miller, Pizzo, Sherman, Hopkins, Cole, Kiesling. (Absent: White, Swain.)

ROLL CALL

Sherman gave the agenda summation. He noted that the Regular Session meeting will not be followed by a Committee of the Whole as advertised due to a lack of legislation for consideration.

AGENDA SUMMATION

The minutes of February 16 and March 2 were approved by a voice vote.

APPROVAL OF
MINUTES

Service announced the presentation of the play "Faust" at the Waldron Arts Center for the following next two weekends. She also noted the 175th Anniversary woven coverlets which are for sale now at the Monroe County Historical Museum.

MESSAGES FROM
COUNCILMEMBERS

Hopkins announced that the Bloomington Sister City Board has received a Youth Exchange Grant which will allow five Bloomington students to study in Nicaragua and five Nicaraguan students to study here in Bloomington. Only ten cities in United States received these grants, so the competition was very stiff. The Sister City program is having a benefit dance for the exchange students and for the Lunch Program in Nicaragua. He discussed El Salvadoran Presidential Elections, at which he was an observer, and noted that they were as fair and open as can be expected. Cole welcomed Hopkins back and noted that she attended the National League of Cities Conference in Washington D.C. She discussed the various Plenary Sessions she attended including ones on the Information Highway and Health Care. She attended various other workshops on such topics as children/families/ and family violence in our communities today and the ideas and energy expended on the issue are very interesting. She noted that in New York city alone, \$52,000/year is spent maintaining a prisoner within that system. That might be suggesting to us that maybe we should be spending that money in the early years of a child/persons development rather than on incarceration. Kiesling recognized upcoming immunization programs and where to get information on and vouchers for child immunization.

Sherman gave a list of promises he wanted to see kept regarding the Master Plan. He noted the new Zoning Ordinance was moving along and announced that a meeting schedule had been established. He noted the various meetings that will happen at each stage of the process of the ordinance and maps. He stated that some of the things being done regarding trash and recycling were not permanent measures and that in the coming months some hard decisions regarding the recycling center, increased recycling opportunities, how to involve local business more, and how to help the landfill meet its mandates would have to be made. He noted that over the next few years there will be a comprehensive solid waste plan.

Chief Sharp, Police Chief, stated that in cooperation with the Mayor's office, the police have worked out an arrangement with the Harmony School and Dare for \$400 to be directed to pay for a building permit for Rhino's. He announced that MADD is sponsoring a Designated Drive Program for Monroe County, that the grant application is in progress and that our Bloomington Transit will participate in the program. He also talked about attending a White House briefing

CITY OFFICES

with Vice-President Gore, Attorney General Janet Reno and other officials concerned about Crime Prevention particularly as it relates to youth. He said there will be \$22 billion dollars allocated to an inner city program to deal with societal problems as they affect our young people.

Sherman thanked Sharp for his report and said that too often we think of police departments as bodies that "bust" people after the fact. These programs are preventive, rather than punitive and he commended Sharp for being on the "front end" of the program. Sharp said that DARE is soon going to be a national program.

Mayor Allison reported regarding the National League of Cities convention and some of the actions the federal government has taken which will effect Bloomington. She discussed the Cable and Telephone Bill which threatens municipal and state's rights to regulate cable and phone franchises. She stated that there are several bills in the federal legislature regarding the "information super-highway" and prices for that access. Local governments are being excluded from discussion regarding legislation of the "super-highway". She wants everyone to know that she will fight for citizens and the ability to legislate those services at the local level. She noted that both key bills have been presented by ex-mayors. She felt that the citizens ought to be a concern when the mandate is passed, not just as an afterthought. Another mandate just beginning to come into consideration is one concerning Superfund sites. She felt that the Superfund mandates are about to change. She discussed a speech by Mr. Cisneros, Director of Housing and Urban Development, in which he urged cities to take a more holistic approach in solving community problems. She discussed the Thomson Consumer Electronics plan to cut costs to become more competitive and that she would be meeting with that company to help in any way that the city can be of assistance in achieving their goals. Hopkins and Kiesling discussed the financial situation of Thomson.

MESSAGE FROM THE
MAYOR

Tim Sutherlin, expressed his pride in Hopkins for his work in South America and showing them another side of America. He noted that the sale of land in Noxubee County, Mississippi went through and only two of the officials there who were for the incinerator were re-elected and the others lost. Subsequent to that the company wanting to open the incinerator left town and a law suit was filed concerning racial discrimination as the basis of placement of that facility.

PUBLIC INPUT

It was moved and seconded that Appropriation Ordinance 94-2 be postponed.
The motion received a roll call vote of Ayes:7, Nays:0.

APP. ORD. 94-2

It was moved and seconded that Resolution 94-10 be introduced and read by the Clerk by title only. Clerk Williams read the resolution by title only.
It was moved and seconded that Resolution 94-10 be adopted. The synopsis and committee recommendation of 7-0-0 was given.

RES. 94-10

Jim Lang, Animal Shelter Director, noted that this is an annual housekeeping matter since 1977 which accounts for \$66,000 of Monroe County funds.

The resolution received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Ordinance 94-13 be

introduced and read by the Clerk by title only. Clerk Williams read the ordinance by title only. ORD. 94-13
It was moved and seconded that Ordinance 94-13 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

Jim Lang, Animal Shelter Director, said that three fines and fees at the shelter were long overdue for adjustment. He said that the license fee and the spay and neuter fees were being increased from \$1 to \$2, and the fines for restraint violations will be raised from \$10 to \$15 and subsequent citations will be increased from \$10 to \$20. Boarding fees will be raised from \$3 to \$5 for the first five days and subsequent days will cost \$10 a day.

Cole inquired if the fee changes from \$10 to \$15 will the second offense cost \$30.

Lang said it would be \$35.

Cole was concerned that was to large a jump.

Lang said he felt that the first offense should be low in cost because he understands that animals will get out once in a while but subsequent offenses should be more reflective of the actual cost.

Cole asked what needs the Animal Shelter might have that would justify the increased fines.

Lang said that the fines have not increased in 11 years yet the costs of the shelter have increased.

Cole asked if the reason was that the shelter had needs it could not fulfill.

Lang said that was always a factor and it costs a lot, about \$30, to answer a complaint.

Cole supports making our fees in line with the Monroe County's but would vote against the ordinance because it was unfair to those with less money because to them \$35 was a lot of money.

Lang said that citizens are always informed that subsequent fines are higher and that the fines were studied and recommended by the Animal Control Commission.

Kiesling asked if there are provisions for people whose animals get loose when the owners are not in town.

Lang said there were and described some of the circumstances in which warnings are issued instead of citations.

Kiesling asked what animals the fines apply towards.

Lang said dogs and cats who are not neutered.

Kiesling was concerned that cats remove their collars and might appear to be unlicensed and fined as such.

Cole wanted Lang to know she felt that the animal control people do a great job.

Peter Lopilato, Citizen, commented that he had seen shelters in New York which were terrible and that the Bloomington Shelter is something to be proud of. He also commented that he felt that it was unfair that people could not let their dogs off their leash to play catch in the parks.

Sherman said he had discussed this with animal control people and said that there was discussion of an area that would allow dogs to run free.

Lang said that there was hope this winter that such an area could be established and he would work with Parks and Recreation on the idea.

Kiesling asked if Monroe County allowed dogs to roam free in their parks.

Lang said they did because their definition of control was different.

The ordinance received a roll call vote of Ayes:6,

Nays:1(Cole).

It was moved and seconded that Resolution 94-7 be introduced and read by the Clerk by title only. Clerk Williams read the resolution by title only. It was moved and seconded that Resolution 94-7 be adopted. The synopsis and committee recommendation of 4-0-3 was given.

RES. 94-7

Chris Spiek, Redevelopment Director, stated that this was the second hearing for a tax abatement request for Sterling Ventures, ltd. at 102 Kirkwood (Allen Building). He described the development. He stated that the EDC has recommended the abatement. He noted that four units would have to be held at HUD affordable rent rates for the ten year period of the abatement. Those rents for one bedroom units such as these would be \$290 including basic utilities. He said the Redevelopment Department was also working on providing limited assistance packages for the displaced people and businesses through the home program and other programs. With proper allocation of funds it is possible that as many as 11 of the units may be available at HUD rents for the ten year abatement period.

Sherman said a lot of the issue with this proposal is the satisfaction of the tenants with the new plan, but he made it clear that this is not final and tonight's decision will be followed with a reconfirming decision. He wondered if the tenant issues would be settled by April 6 for the reconfirm. Spiek said that the Council does have a ten day remonstrance period and if the project is not wrapped up by then the Council could table the proposal.

Peter Dvorak, petitioner, noted that the two programs, the tax abatement program and the Home program are mutually exclusive, and the vote tonight is in regard to the tax abatement. He said that a majority of the tenants have signed the agreement, but that there are two businesses that are still being worked with. That agreement is regarding the Home program, not the tax abatement. He stated his interest in reaching an agreement. He noted that construction can not begin until the abatement has been approved. He hoped that he could gain a favorable vote, but if the ordinance was tabled he was not sure he could follow through on the project. All residents were asked to be out by March 31 and ten units are currently vacant.

Kiesling asked if the petitioner had to have both approvals to start construction. Spiek said they did.

Sherman noted that the tax abatement and the Home program are mutually exclusive and could therefore be pursued separately.

Cheryl Dameron, Allen Building tenant, quoted the numbers for rent per bedroom. For one bedroom it is \$350+, for two bedrooms \$500+, and \$644+ for three bedroom. With these numbers in mind she commended Redevelopment and the owners for their efforts but still felt that the rent was not truly affordable. As far as the agreement, she did not see a problem with the tenants. She felt very positive about the process because there are so many active, bright people involved. She felt that the Adams St. project would probably not see fruition. She also announced that John McKay would serve on the advisory board for CATCH and that Catch was more than willing to work with

Housing Solutions.

Peter Lopilato, Ryder Magazine and Allen Building tenant, said he has discussed the issue with other business tenants of the building, Eileen Rice and David Ebbinghouse, and he felt fairly confident that they feel the same way he does. He feels the proposed renovation is worthwhile, but he still had some problems with the project. He felt that the time allowed was insufficient to allow a business to go home. He noted discrepancies in the time allowed in some residents leases, 45 days, and the time given by the new owner, 14 days. He said all tenants had been offered \$500 to move, and that amount is truly insufficient to move a business. He felt that the situation had been misrepresented in that some tenants were somehow led to believe that if the agreement was not signed the building would be condemned and they would be evicted. He asked that the Council table the resolution until all of the relocation needs of both the residents and the businesses have been met.

Sherman asked if Sterling Ventures, current owners of the Allen Building, had no interest in the home program or tax abatement what their commitments to the tenants was.

Spiek said it would be according to state law.

Dvorak said that the tenants rent on a month by month basis and by law they only have to be given 30 days notice. He said that six tenants had leases which do give them 45 days.

Sherman asked about Lopilato's situation.

Lopilato said his rent is paid through the end of May.

Dvorak said Rod Young would reimburse him two months rent.

Sherman said the point he was making was that if the Council was not involved in this situation by way of tax abatement that the tenants would simply be removed from the building. He said that at the bottom level the Council really has no say in what happens, but what the Council was trying to do was maintain some low income housing in the downtown area. He said that it is not the Council's job to take sides, but simply to try and maintain some affordable housing downtown.

Lopilato read the basic requirements of the agreement. He expressed his concern that the city did not have the money for proper location.

Sherman informed him that the city did not have the funds for relocation.

Lopilato was optimistic that he and Dvorak could work something out. He also realized that the city did not have the funds, but he felt that the owners were more likely to come up with the funds if they think that the tax abatement hinges on the funds.

Cole said that she remembered discussion that some of the tenants would be able to stay during the early stages of the renovation, because she felt 14 days was insufficient.

Dvorak pointed out that the time was actually closer to three weeks. He noted that some demolition had already been done and it wasn't if they could work around people, it was more of a safety issue with customers in and out of a construction site.

Cole said in addition to Sherman's comments that the owner must realize that the low income residents need money to move. To Lopilato she said that he must realize some people are bending over backward for the tenants and it is unfortunate that some people are being hurt.

Dvorak said that one business had already stated that they wanted to return to the Allen Building. He said he had talked to Lopilato in January and tried to give

him adequate notice. He said that the tenants who are holding out are jeopardizing the project for the other tenants because all of the tenants are required to sign. He recognized the importance of the relocation funds to some of the tenants. He said that as part of the renovation he is putting in 54 new steel beams because living there has become dangerous. Tim Sutherlin wanted the Council to realize how far the developer has gone to assist people, but he still felt that the time frame was outrageous. He urged approval of the abatement. Sherman thought Lopilato was in a good bargaining position and hoped he would not feel personally cheated, and he hoped that Lopilato would realize that the Council has very little control.

The resolution received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Ordinance 94-16 be introduced and read by the Clerk by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 94-16 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

ORD. 94-16

Tim Mueller, Planning Director, described the proposed PUD at the southeast corner of Moores Pike and Smith Road. He said that the plan falls within the limits of the Masterplan. He then discussed the various aspects of the covenant which must include an explanation of the cities future plans for the area. He said the only other issue were the pedestrian easements which will be addressed more fully at the development plan stage.

Phil Tapp, petitioner, had nothing to add but was willing to answer questions.

Kiesling asked if there was a tree preservation plan. Mueller said that could be addressed in the covenant and at the development plan stage. Tapp said that would be addressed at the development plan stage, but is already being worked on now. He said that those are already also part of the conditions they received from the Plan Commission. Kiesling had noticed that there were many trees there but wondered if any of them were worth saving. Tapp said that the trees are one of the things that make the development nice.

The ordinance received a roll call vote of Ayes:7, Nays:0.

There was no legislation for first reading.

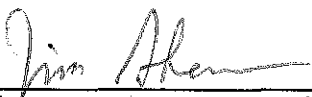
FIRST READINGS

There was no public input.

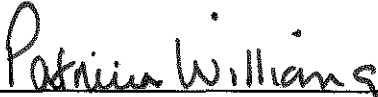
PUBLIC INPUT

The meeting was adjourned at 9:30 P.M.

ADJOURNMENT



Jim Sherman, President
Bloomington Common Council



Patricia Williams, CLERK
City of Bloomington

Approved on 30th April, 1994