

In the Council Chambers of the Municipal Building held on Wednesday, May 4, 1994 at 7:30 p.m. with Councilmember Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MAY 4, 1994

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

ROLL CALL

Service gave the agenda summation.

AGENDA SUMMATION

There were no minutes for approval.

APPROVAL OF
MINUTES
MESSAGES FROM
COUNCILMEMBERS

Cole wished all mothers a Happy Mothers Day, and in particular Natalie Schau who received the Mother of the Year Award. She thanked the Boys and Girls Club for running an excellent season of Soccer.

White announced National Public Works Week from May 15 through May 21. He said there would be a display at College Mall. He announced that Saturday May 14 Ted Rhinehart, Public Works Director, and Bill Riggert, City Engineer would host a bus tour of the city's summer projects, then on Sunday May 22 at 11:00 there will be the Public Works picnic and softball game. He updated the Council on the approval of funding and completion of the total design work for the Blucher Poole Wastewater Treatment Plant renovation, Southwest and Southeast Interceptor projects, and the West Bloomington Water Transmission project. He then stated he was in favor of the Monroe County Airport Tower and hoped it would stay in place.

Kiesling announced that there is an Enterprise Zone Board opening and hoped that people would step forward to take the position. Applicants must live in the Enterprise Zone. She said that she had visited the IU Cyclotron facility and said that with their new facilities they could treat brain malignancies. She announced that May 7 would be the first day of the Farmers Market at Sixth and Lincoln.

Swain congratulated the primary election winners and the people who took the time to vote and gave sour grapes to one candidate for comments made about her opponent who won.

Service felt it was healthy that discussion was continuing on the controversial CFC, Inc. petition. She noted that there was more lobbying after the vote than beforehand. She felt that some of this lobbying was contrary and hoped that people would not consider seriously the narrow, self serving, single-item agenda of one of the groups that call themselves "positive" but make negative statements. She hoped that when the Master Plan codification is finished that some of the issues involved such as height would be solved which will meet community approval. She noted in reference to a rather gratuitous ending paragraph of a recent editorial that the Council was writing a resolution which would encourage the Federal Aviation Administration to retain the Monroe County Airport tower. She also expressed her appreciation to those who took the time to vote in the primary election. She discussed the disparity in voting attitudes around the world. She then recognized and commended the College Mall for banning smoking in the common areas of the Mall.

Lee Huss, City Landscaper, recognized three groups on behalf of the Bloomington Tree Commission and the Mayor's Office. He presented Hometown Tree Program awards to Larry and Diane Grubb of the Highland Village IGA and Jim Pugh of the Coca Cola Bottling Company, and Eric Stolberg of Wininger Stolberg Development Corp received recognition for his assistance to the Tree Fund. Pugh said that this is part of a program which hopes to plant over 100 million trees nationwide by the year 2000.

MESSAGES FROM
CITY DEPARTMENTS

Stolberg discussed various ways they have participated in tree related programs.

Chief Sharp recognized the Bloomington Quilters Guild who for the last three years have supplied the city with quilts for children along with the DARE program. He said that the quilts are also shared with other law enforcement groups to be given to children in stressful situations. He introduced Jane Marsh of the Quilters Guild.

Marsh said that this is a group of over 100 ladies from ages 21 to 87 and once a year they organize the National Quilters Day and make quilts for the Police Chief. The Police give the children the quilts to keep. She noted that some of the quilts they produce will be on display at the Waldron Arts Center and she encouraged the public to participate.

Barbara McKinney, Human Rights Attorney, presented the new Human Rights Activity/Coloring Book and discussed various portions of it and its history with the Council. She said the book would be distributed at the third grade level in the MCCSC. She recognized the various people who put the project together.

Mayor Allison said that she had received a letter from Governor Bayh thanking her for her support of the Indiana Heritage Trust. She read the letter to the Council in which he also enclosed the new poster for the Heritage Trust. She also read a proclamation regarding safe bicycling. The proclamation also announced that May 9 through May 13 as Bike, Walk or Bus to Work Week.

MESSAGE FROM THE
MAYOR

Jim Tolen, Citizen, gave a report he called "recent common Council activity". He discussed the "Cook Tower" and thanked the Council for their patience, integrity, and sincerity. He felt some of the community is upset that the Council cannot see the importance of the "Cook Tower" project in the construction of a strong downtown area. He felt that the downtown economy was a fragile thing and was concerned that the Council did not pass this legislation which might have helped the downtown. He challenged certain Councilmembers to show him how they are not anti-growth. He felt the denial was a failure of the Council to look at the community at large. He took his hat off to Sherman and Pizzo who gave their support to the project.

PUBLIC INPUT

It was moved, seconded and approved by a roll call vote of Ayes:6, Nays:0 that the agenda be amended to discuss Ordinance 94-9 first.

It was moved and seconded that Ordinance 94-9 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 94-9 be adopted. The synopsis and committee recommendation of 6-0-2 was given.

LEGISLATION FOR
SECOND READING/
VOTE
ORDINANCE 94-9

Tim Mueller gave a brief description of the tract and petition for a 15 acre retirement community development consisting of 210 units and 40 assisted care units in a mixed zoning area. There would be 72 townhouse units around the perimeter of the development with the balance of remaining units in the larger buildings. The conditions of approval: engineered water run off must be mitigated to the satisfaction of the plan commission, residential use is limited to persons 55 year of age, it will be a recorded plat and all buildings will only be one story high. He discussed at length the general

philosophy of the high density development on 10th Street, which is a state road. When improvements are made it will be with their money, not ours; there is public transportation both city and IU and they are close to centers of activity and employment. The state does a 5 year timetable for capital programs and a report is upcoming in a few weeks and the 45/46 ByPass program is scheduled for preliminary engineering in 1997 with construction in 1999 or 2000. That could be moved forward. The Pete Ellis intersection will begin in 1996, so there is some light at the end of the tunnel. He discussed the 40 beds and the issue of density. Using traffic generations and population for nursing homes and congregate care and taking the average of these two yielded an amazingly low figure and those 40 beds are equivalent to about 15 units. He continued to talk about the low numbers of trips generated in retirement communities in general (about 6.5/day for low rise apartments and retirement complexes at about 2.5/day) This project comes in at about 7 units/acre.

Kiesling was concerned about drainage during the construction process and wondered about detention of water. Mueller said the Soil Erosion policies will cover that.

White asked about sufficient water pressure in the area and Mueller said it is a question of pressure in the lines rather than the volume of the flow. The loss of pressure is a consequence of the elevation of the storage tanks relative to the customers and is not affected by additional hookups and work is afoot to increase the pressure particularly in the U-School area.

Lynne Coyne, representing the petitioner, talked about the storm water runoff in response to a question from Cole and how the retention area is shifted to a pond in the front of the project rather than the Grandview area as well as other flow structures to direct the water to the retention pond that is large enough to accommodate the volume.

Service asked who is responsible for the maintenance of those systems and Coyne said the owner will be responsible. He went on to say that the current owner may not be the operator of the project but whomever operates the facility will be responsible for the system. Kiesling asked about some other persons managing the facility and what assurances do we have if a new person develops it. Coyne said that is why there is a plan with conditions of approval as well as the permitting process that they would have to comply with.

Susan Hollis, a Grandview Hills resident, protested the high density of the project that offsets the good points and qualities of the project in general. She noted that the 36,000 sqft building could conceivably have 20, 1800 sqft apartments and inside that one building there will be a lot of staff and ancillary personal all driving to and from the facility. So the real density of this project is closer to 18 units/acre and it is currently zoned at 5.5 units/acre. A gradual blend of development has always been promised by the city to the Grandview residents that this would be a step-down area. Grandview is currently 3 units/acre and this project is actually higher than the Master Plan recommends. She asked about the trees that are supposed to be saved. Mueller said there are many things that are not necessarily iterated in the conditions of approval but it has been duly noted that tree preservation is a concern and everything that

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is in the written plan is required to be done and the Plan Department is the overseeing body. Cole suggested that neighbors contact the Plan Dept. if there are problems. Hollis said the reasons for concern is that they know that the petitioner is not the one doing the development and whoever does finally do the project has not had the benefit of this discussion.

Barbara Howell asked about the design. Mueller said this current drawing should be construed as a concept, not a binding plan. That final plan comes at development stage.

Kiesling urged neighbors to be watchful and expressed concern about drainage.

The ordinance received a roll call vote of Ayes:6, Nays:0.

It was moved and seconded that Appropriation Ordinance 94-3 be introduced and read by title only. Clerk Williams read the ordinance by title only. APP. ORD. 94-3

It was moved and seconded that Appropriation Ordinance 94-3 be adopted. The synopsis and committee report of 7-0-1 was given.

Chuck Ruckman suggested the detained synopsis explained the request quite thoroughly.

White expressed concern about the environmental position within the Planning Dept with a somewhat restrictive job description and if we are creating an inflexible position for that department with that person perhaps not always efficiently engaged.

Cole said she had almost the opposite point of view and would hate to see that person doing a lot of other things and not being available 99% of the time for environmental review and enforcement. That is the primary focus of this position and it should be included in the job description so that when Tom Micuda is gone, his successors will still be doing the same job. Service also supported this point of view.

Mueller thought it was a necessary position from a different point of view. If the Environmental Commission is going to be involved, there is no reason to have two departments addressing many of the same concerns. This is much more efficient.

Kiesling asked about support staff for the Environmental Commission. Ted Rhinehart said that there is support staff available in the Public Works Department.

Cole said this community is dealing with PCBs and we are almost defined as a community because of them and if we can have an environmental review of projects as they come up and avoid past problems, it's well worth every penny.

The ordinance received a roll call vote of Ayes: 5, Nays:0 (Miller left meeting at this time).

It was moved and seconded that Ordinance 94-22 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 94-22

It was moved and seconded that Ordinance 94-22 be adopted. The synopsis and committee report of 7-0-1 was given.

Bill Riggert, City Engineer, discussed each section of

the ordinance.

Cole asked about mid-block crosswalks and if vehicles have to stop. Riggert said if a car approaches someone in the crosswalk, they must slow or stop to allow that person to cross. It's sort of a first come, first serve basis but only if they are in the crosswalk. There is no law that says pedestrians have the right of way.

The ordinance received a roll call vote of Ayes:5, Nays:0.

It was announced that Ordinance 94-23 has been withdrawn by the petitioner for consideration at this time.

ORDINANCE 94-23
(Withdrawn)

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

LEGISLATION FOR
FIRST READING
ORDINANCE 94-15
ORDINANCE 94-17
ORDINANCE 94-18
ORDINANCE 94-21
ORDINANCE 94-25

Ordinance 94-15 To Amend the Bloomington Zoning Maps from MG to BA, Grant PCD Designation, and Approve Outline Plan re: 1360 Bloomfield Rd. (Rogers Group, Inc., Petitioner)

Ordinance 94-17 To Amend the Bloomington Zoning Maps From RS to RH, Grant PUD Designation and Approve Outline Plan re: 834-838 E. Miller Drive (Tim Henke, Petitioner).

Ordinance 94-18 To Amend the Bloomington Zoning Maps from SI to RL, Grant PUD Designation, and Approve Outline Plan re: 1730 N. Range Rd. (Regency Associates, Petitioner).

Ordinance 94-21 To Amend Title 3 of the BMC, Entitled Cable Communication System (Regulating customer Service and Revising Regulation of Basic Tier Rates and Related Charges).


Ordinance 94-25 To Amend Title 2 and 14 of the BMC (Emergency Alarm Procedure).

There was no public input.


PUBLIC INPUT

The meeting was adjourned at 9:25 P.M.

ADJOURNMENT



Jim Sherman, President
Bloomington Common Council



Patricia Williams, CLERK
City of Bloomington

Approved on 23rd June, 1994