

In the Council Chambers of the Municipal Building held on Wednesday, May 18, 1994, at 7:30 P.M. with Council President Sherman presiding over a Regular Session of the Common Council.

COMMON COUNCIL°  
REGULAR SESSION°  
MAY 18, 1994

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

ROLL CALL

The minutes of April 6 and April 20, 1994 were approved by a voice vote.

APPROVAL OF MINUTES

Service announced performances of 3 Chekov plays, including an AIDS benefit, at Waldron Arts Center. She expressed concern about last week's discussion of "good development" versus "bad development" and about tree loss.

MESSAGES FROM  
COUNCILMEMBERS

White relayed information from the Utilities Service Board on PCB-related expenditures (engineering, legal, consulting, etc.) The total for 1993 was \$101,600 with approximately an additional \$17,000 so far this year. This brings total expenditures since 1975 to \$4,984,183 of which approximately \$2,886,000 was legal fees.

Kiesling announce EPA Citizen's Information Committee meetings May 24 and 25 and encouraged councilmembers and public attendance to the Downtown Commission symposium as well.

Sherman congratulated BHS North and South Track teams for their recent successes, IU Women's Big Ten Softball Championship as well as hosting the upcoming NCAA tournament. He extended condolences to Mike Frey on the death of his son. He noted that it is important to remember that in the long run some of the issues argued about before the council aren't all that important in the grand scheme of things, and that maybe we'd all do well to lighten up occasionally and spend a little more time with our friends while they're here.

Mike Davis reiterated Kiesling's call for Council and public attendance at the EPA Citizen's Information Committee meeting on the consent decree process and the search for an alternative to incineration. Davis also announced that the City is hosting a delegation from Jiaxing, a city of approximately 3 million on mainland China near Shanghai, this weekend. The visit is the first, exploratory step in the process towards a Sister City arrangement.

MESSAGE FROM THE  
MAYOR

Chris Spiek, director of Redevelopment informed the Council that in accordance with state statute all Statements of Benefits for tax abatements since 1991 have been filed with and reviewed by the Redevelopment Commission, and have been found to be in compliance. Accordingly, Redevelopment is recommending no corrective action to the Council. The projects include:

MESSAGES FROM CITY  
DEPARTMENTS

CFC - Madison Street Condominiums (300 S. Madison and Morton), 16 units, most built, others waiting on market condition

David Ferguson - 211 N. Washington St. - no construction yet

Thomson is in compliance.

K & W Products are in compliance for both the 1991 and 1992 requests

Covey Lane Development (Tim Henke) is in compliance  
8th St. Development Corp. Johnson Creamery is under construction.

Cottage Grove Housing is in compliance.

Independent Packaging hopes to get started.

Carrithers on N. Washington is under construction

Sterling Ventures (Allan Building) is under construction.

Sherman asked for copies of the report and Service asked that the Carrithers development be looked at again in terms of three trees that seem to have been removed. Kiesling reported on the Public Work tour last week as well as the Urban Enterprise Board on which more activity is beginning to take shape.

Terri Simanton, Urban Enterprise Board Director, presented the 1993 Annual Report summarizing the board activities and projects. She discussed the residents survey, for determining their needs in terms of personal as well as neighborhood needs and if they are being met and how their resources could best be distributed. The surveys are still out.

Sherman asked about where the dollars were going. When the original discussions took place we talked about day care, job retraining to be part of the 79% to be used for that. Over the last year the monies seemed to go to new equipment and the facilities and none to the things that attracted him to the concept.

Simanton said she was not in on the original discussions when the zone was approved, that legislation encourages the business to re-invest in their businesses in a capital expenditure that includes the assessed value of their business so that what the program inventory tax credit ends up being loaded on the front end they can get the credit and that is how it ends up coming back to the community. She said she was not aware that those monies would be considered for day care and things like that.

Hopkins agreed with Sherman, that there was a lot of talk at the time of adoption that companies would do things beyond their normal investments in equipment that they would probably normally buy, then there is very little evidence that the community has benefited from it and we have given up \$800,000 in tax revenue.

Kiesling said the concept of the zone was to encourage the development of these things and not necessarily by the company but also by the zone association board and that is the purpose of the survey. Originally it was a package to help Thomson stay here and we have offered everything we can to get them to stay here.

Hopkins said this isn't a criticism, but an attempt to clarify the original discussion and what is being reported today. Simanton said she would not hesitate to get business to contribute part of their savings to these projects and concerns.

Hopkins said that the Social Service Council Sub-Committee will make a decision on the council allocation by the June 1 meeting.

It was moved and seconded that a revised Resolution 94-19 be introduced and read by title only. Deputy Clerk Shay read the resolution by title only.

LEGISLATION FOR  
SECOND READING  
RES. 94-19

It was moved and seconded that a revised Resolution 94-19 be adopted. The synopsis was given. Service read the resolution in its entirety.

Bruce Payton, representing the Monroe County Airport, thanked the council for their support for keeping the airport tower. He cited strong safety and economic reasons for maintaining the tower in our community. Jobs, business, medical emergencies, establishing a commercial air service to/from Bloomington and very importantly Crane Naval Base.

All the councilmembers expressed support and offered any help that might marshall support of the airport and

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suggested that all units of government act in unison. There have been confusing signals: a reference to the recent extension of the runway that has just been completed on the local level with federal funds from one agency, only to be informed by another agency that the tower was considered for closure.

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

It was moved and seconded that Resolution 94-17 be introduced and read by title only. Deputy Clerk Shay read the resolution by title only. It was moved and seconded that Resolution 94-17 be adopted. The synopsis was given. RESOLUTION 94-17

Chris Spiek said that this was the confirming resolution for the Showers facility. Bloomington Advancement Corporation now owns this structure with intentions to sell 1/3 to CFC, 1/3 to the city and 1/3 to IU for their research park. The abatement is for the portions of the building not owned by the city and therefore the subject of the abatement. The abatement is about \$2 million over 10 years. A revised statement of benefits suggests no residences on the premises and it is the plan at this time to work with existing zoning.

Bob Barker, representing BAC, said he was optimistic that IU is "in" this project and the abatement will certainly be an advantage to recruiting interested parties for the research center.

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

It was moved and seconded that Ordinance 94-25 be introduced and read by title only. Deputy Clerk Shay read the ordinance by title only. It was moved and seconded that Ordinance 94-25 be adopted. The synopsis and committee recommendation of 5-0-1 was given. ORDINANCE 94-25

Susan Montgomery, Legal Department, explained the changes in the collection process. The Controller's officer currently collects the repeat emergency alarm fines. At the present time Indiana Code requires the Controller to be the designated collection agency for a municipality or a codified deputy and the Police Dept. has not been codified to be this deputy, so the Legal Dept has been doing the collection. This ordinance would have the Police Dept collect fines and would only be used by the Legal Dept for subsequent legal action if/when necessary. All monies are placed in the General Fund.

Hopkins said this explanation cleared up earlier questions that he had and Service was sure that this would make people more careful.

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

It was moved and seconded that Ordinance 94-21 be introduced and read by title only. Deputy Clerk Shay read the ordinance by title only. It was moved and seconded that Ordinance 94-21 be adopted. The synopsis and committee recommendation of 5-0-2 was given. ORDINANCE 94-21

Matt Pierce, President of the Telecommunications Council,

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updated the council on new federal law, noting the most recent changes: 1) Clarifies FCC regulations in our code, 2) Amends laws for confidentiality 3) clarifies fine levels 4) Clarifies level of local aggressiveness of enforcement 5) the Board of Public Works and the Common Council must approve new rules.

Hopkins asked about confidentiality and Pierce said this refers to information that might be submitted that they would not want their competitors to have. It would allow the TCC to have the information  
Sherman thanked Pierce for all his efforts on behalf of the city in regards to this very complicated refranchise process.

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

It was moved and seconded that Ordinance 94-17 be introduced and read by a title only. Deputy Clerk Shay read the ordinance by title only.

ORDINANCE 94-17

It was moved and seconded that Ordinance 94-17 be adopted. The synopsis and committee recommendation of 5-0-2 was given.

It was moved, seconded and approved by a roll call vote that the title on the ordinance be amended to 838 & 840 E. Miller Drive. Ayes:8, Nays:0.

Tim Mueller described the site, a 1.80ac site currently occupied by a automotive service business for a 32 unit apartment complex consisting of one bedroom units and the existing single family home on the site will be preserved. The site has been carefully laid out with concern for the existing trees. The usual PUD requirements have been waived, such as 5 ac minimum, 30' buffers reduced to 20', the drive is 22' rather than 24' and the reduction of parking spaces (37 rather than 50). The parking reduction is based on the special populations which are estimated to have about 50% drivers. Because of the specific plan and goals as stated, the waivers have been granted. If after development the population of the building changes, the waivers would be cancelled. This process is regulated in the future on a complaint basis. He stated that this proposal fits with the Miller Drive Neighborhood plan, this type of housing fits and provides a balance. He took issue with some neighbors comments that they have never been listened to in this process. The plan serves as a guide and the plan recommends a multi unit use for this site. People concerned about a domino effect are not recognizing the intended purpose of the comprehensive plan and the neighborhood process has been extremely responsive to the neighborhood. There is a balance in the number of permits that are drawn around the county regarding single vs multifamily requests and that is reflected in the Miller Dr. area.

Hopkins agreed with Tim about the discussion of the Miller Drive plan and how this site has been reserved for multi-family housing. This is the last of those sites and the rest of Miller Dr. is reserved for single family. This should reassure people who live in the area. Mueller said there are a few other sites that are designated for multifamily.

Kiesling supported Hopkins statements, commended Redevelopment for the good job in the area, considering the way it was once upon a time, the original goal has

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been achieved.

Tim Henke said he was proud of the proposal and said he would continue to work on the concerns that people had expressed. He provided some "before" pictures of the area.

White expressed concerns about parking requirements and density of the project and with the various setbacks being waived. He said he appreciated the Henke letter of clarification and complimented Tim for the good job he was doing.

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

It was moved and seconded that Resolution 94-16 be introduced and read by title only. Deputy Clerk Shay read the resolution by title only.

RESOLUTION 94-16

It was moved and seconded that Resolution 94-16 be adopted. The synopsis and committee recommendation of 5-0-1 was given.

Chris Spiek said this is a request for a 10 year abatement on the previous rezoning proposal. The project will be rent restricted for 15 years which is 5 years beyond our tax abatement guideline. Over 50% of the units will be affordable rents and well exceeds the guidelines in the tax abatement regulations.

Sherman asked about the Statement of Benefits to provide affordable housing for not less than 15 years and if it was enforceable. Spiek said if the project ceases to be part of that program then the abatement could be retracted or held to the 10 year provision.

Kiesling asked what the percentage increase in costs is for handicapped accessible structures and Henke said it is hard to define, but probably around a 10% increase

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

It was moved and seconded that Ordinance 94-15 be introduced and read by title only. Deputy Clerk Shay read the ordinance by title only

ORDINANCE 94-15

It was moved and seconded that Ordinance 94-15 be adopted. The synopsis and committee recommendation of 7-0 was given.

Tim Mueller described the 25 ac tract proposal for a mixed use industrial/commercial development. There would be a new proposed public street that would link up with a street that was recently completed as part of the Office Park on Bloomfield Rd. He noted the list of uses that is not permitted: bars and taverns (restaurants would be permitted), tool and die, machinery manufacturing, food processing uses. Added to the list were building supplies and materials. Street improvements to Bloomfield Rd. include left turn accommodations in each direction, decel lane, intersection improvements (a trade with Allan St improvements and allocate those monies to east of Allan St. and to modify the proposal for Bloomfield Rd. The city will commit to Allan St in this way: They will not go in and do the entrance improvements but will do the additional lanes that are necessary to have the right, thru and left turn lanes to make the project work. The TIF district will finance the Bloomfield Rd. improvements over a period of time.

Hopkins said he was at the site and it appears that infill is taking place before the water is actually pumped out. Mueller said he did not believe that any permits had been issued for fill at this time.

Kiesling asked for the conditions of approval:

1. the substitution of Bloomfield improvements for Allan St improvements.
2. new n/s access street required
3. dedication for street stub to the west lot line
4. add building supply retail to use list
5. all access improvements build at time of implementation and approved by the Plan Commission
6. sidewalks and site grades to accommodate future street widening.
7. the Plan Commission sees the improvements to Bloomfield Rd as fundamental to this plan and the TIF district process must be in place

Kiesling asked how long we would be capturing the tax monies from the TIF. Sherman said he did not think there were any limits. Mueller did say that state legislators want to limit municipal abilities to create these TIF districts, so we should probably get moving with this.

Sherman asked about the trade-off between Adams and Bloomfield. Mueller said it was the petitioners idea and was in terms of equivalent dollars moved from one project to the other and the current lack of congestion (and probable need) on Adams at this time. So it was reallocated to Bloomfield Rd.

Bill Finch, representing Rogers Group, said there is generally a 25 year limit in TIFs, (did not think it was mandated by statute but by the city) that the project is a good one, meeting the Growth Policy Plan and finally, the Adams/Bloomfield Rd trade-off is a good one.

Steve Smith provided the council with the necessary tax summaries and a detailed cost study.

Hopkins asked again about the filling of the quarry and Smith said that utility cuts (materials) have been dumped in the quarry over time and when the petitioner was approached about this the dumping stopped.

Swain asked if the bike path was still part of the plan and Smith said yes.

Kiesling asked if they had to have a permit from IDEM to dump in the quarry: and Smith said no, only a permit to remove water from the quarry

Cole asked for a general timetable for the project. Pumping will start now and marketing and development won't start until about 1995.

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

There was no legislation for first reading.

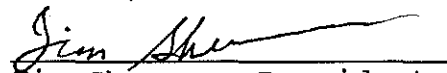
There was no public input.

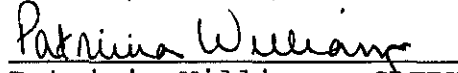
The Council will not meet next week.

The meeting was adjourned at 9:40 P.M.

APPROVE;

ATTEST;





Jim Sherman, President Patricia Williams, CLERK  
Bloomington Common Council City of Bloomington

FIRST READINGS  
PUBLIC INPUT  
ADJOURNMENT

Approved this 6<sup>th</sup> of July, 1994