

In the Council Chambers of the Municipal Building held on Wednesday, September 21, 1994, at 7:30 P.M. with Council President Sherman presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
SEPT. 21, 1994

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

ROLL CALL

Council President Sherman gave the Agenda Summation.  
There were no minutes for approval.

AGENDA SUMMATION

Service expressed a number of concerns about the Planning Dept. and staffing within that department. Tom Micuda, recently appointed as a full time Zoning Planner for Environmental Review, does not have any more time in the field than he did before as the Environmental Commission/Planning Reviewer. Greater staffing in the Plan Dept. is desperately needed, especially in light of a recent comment that the Plan Commission cannot meet more often than every three weeks because there just is not enough staff or time to process planning proposals if the cycle were to be shortened.

MESSAGES FROM  
COUNCILMEMBERS

Bonnell said that the second draft of the Zoning Ordinance is now available. He expressed concern about the \$15 charge for the document from Kinkos Copy Center and did not think people should have to pay for zoning information/laws. He also noted that it was not available until today despite the notice in the newspaper. He reminded everyone that the meeting on Sept. 29 is not the only public meeting. He was concerned that we are moving very fast on this very important issue and questioned whether people have had sufficient time to understand the importance of the document.

Cole commended various physicians (Drs. Wenzler and Judy Klein) in the community who are joining with other doctors across the country in support of the Single Payer Insurance Plan. She said that the basic plan be it the government or an insurance agent as the single payer is the most efficient and cost effective.

Hopkins agreed with Cole and noted that there has been a deliberate campaign to deprecate the Canadian system while in fact the plan is working very well.

White announced the Campus United Way Kick-Off planned for noon on Tuesday of next week and urged everyone to participate in this worthwhile community effort.

Kiesling reminded everyone of the need to register or transfer their voter registration by October 11 at the Justice Building. The deadline for field registration is September 25. She too expressed concerns about the understaffed Plan Department and noted that there is a very full regular agenda in addition to the upcoming Master Plan/Zoning Ordinance issues that are foremost in peoples' minds.

Sherman welcomed his mother to Bloomington and announced the upcoming statewide Vital Quiz Bowl that will take place in Bloomington on Sept. 23 and urged everyone to come out and cheer on the City team. He then discussed some planning related items; namely that there are two separate issues; one that the staff is overworked and understaffed and he did agree with that and then secondly, that we are not rushing ahead with the zoning documents. There has been meeting after meeting and basically the same people show up and if there are people who say they have not had a say in what is happening, they just have not participated in what has been offered. He said he sees no benefit in delaying the zoning ordinance discussions because people say they have not had input.

Kiesling said it isn't so much input as an opportunity to be able to read the final document. The final product is an ordinance that must be usable by everyone

involved in the process.

Mike Davis, Deputy Mayor, said that the first Public Meeting is scheduled for Sept. 29 at 7 P.M. followed by another public meeting ten days later. He said copies of the ordinance will be available for review at the Monroe County Public Library as well as Kinkos. He said it would just be too cost prohibitive for the city to try and xerox the number of copies that might be required.

Kiesling gave the dates of various Citizen Information Committee meetings as well as an upcoming meeting of the parties to the Consent Decree on October 5 & 6 and assorted Solid Waste District announcement items. The city will start picking up paper board on the regular recycling routes on certain targeted trash routes. She also reported on a recent Chicago symposium on "How we treat our environment" dealing with ecosystem planning and recent dioxin studies.

Tim Sutherlin noted that incinerators themselves are the primary source of dioxins in the atmosphere, he was disgusted with our governments decisions regarding Haiti and thought the current course of action was a disaster.

PUBLIC INPUT

Michael Cullers was concerned about the upcoming Ron Rubeck Walnut Woods SF subdivision project and said that once again we are not connecting the various new streets with older streets in the Miller Drive neighborhood. He noted that Rubeck now has run his own road from Olive Street south. He thought that by cutting off connectors we are keeping Miller Drive from being connected with other neighborhoods. He cited various examples of adjacent development when new streets are punched through to connect with existing streets. He thanked Bonnell for responding to his questions and concerns so quickly.

Bonnell agreed that Olive has been abandoned and there seems to be a tacit understanding that we are not going to put more money into Miller Dr. and somehow our processes didn't work and here was an opportunity to have a development with two accesses, one on Highland and one on Olive.

Jeff Brantley, representing Positive Progress commented that the upcoming Zoning Ordinance was only available as of yesterday and that no maps are yet available. No one can proceed without the maps, he said.

It was moved, seconded and approved by a voice vote that Merle McJunkin and Dori Yorgan be appointed to the Martin Luther King Birthday Commission.

APPOINTMENTS  
TO BOARDS &  
COMMISSIONS

It was moved and seconded that Appropriation Ordinance 94-6 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Appropriation Ordinance 94-6 be adopted. The synopsis and committee recommendation of 7-0 was given.

APPROPRIATION  
ORDINANCE  
94-6

Chuck Ruckman said that the synopsis was a very accurate description of the various appropriation requests contained in the ordinance.

Cheryl Dameron, representing CATCH, thanked the council for their support and announced that CATCH is contemplating the purchase of two homes on the southside for affordable housing.

Tim Sutherlin asked what was being done about the shut down of the Vermilya Trailer Court and if there were any plans to relocate the residents. There are 60 families that will be displaced and he urged the city to look into the situation and see if we can help the people affected by the shut down.

White commended the Bloomington Police Department and the IU Police Departments for working together regarding the funding of IU related

page 3

police/security activities.

The ordinance received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Ordinance 94-31 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE  
94-31

It was moved and seconded that Ordinance 94-31 be adopted. The synopsis and committee report of 7-0-1 was given.

Ted Rhinehart said this ordinance codifies STOP intersections brought about by recent annexations as well as signalizations systems that have recently been put installed.

The ordinance received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Resolution 94-28 be introduced and read by title only. Clerk Williams read the resolution.

RESOLUTION  
94-28

It was moved and seconded that Resolution 94-28 be adopted. The synopsis and committee recommendation of 8-0 was given.

Chris Spiek presented a brief summary of the petition and noted that the Redevelopment Commission approved a 3 year tax abatement for the project.

Bill Nice, the petitioner, said that in 1989 they had 24 employees at their present location, currently there are 69 employees with even greater anticipated future employee projected growth. There are 62 full time employees, four of the part time are less than 32 hours but more than 16 hours/week. All part time employees are part time by their own choosing and fringe benefits packages to full time employees probably exceeds \$3600/year and the average clerical salary is \$7.76.

Bonnell did express concern about cutting off health benefits at the part time employee level. Nice said he personally gives part time employees whatever clinic medical care they are in need of.

The resolution received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Ordinance 94-32 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE  
94-32

It was moved and seconded that Ordinance 94-32 be adopted. The synopsis and committee recommendation of 8-0 was given.

Mike Davis, representing the Planning Dept. gave a brief overview of the petition. Adjacent to the site is the current access drive that in the future might be part of the Thomson truck route. The petitioner is aware of this point. Sherman reminded everyone that we are rezoning this to a certain zoning classification that includes a automobile lot. We are not rezoning to a car lot and we need to remember that when we rezone we get the entire list of permitted uses that can be allowed in that zone, not just one particular use.

Mike Carmin, representing the petitioner, was available for questions and commended Davis on getting all 3 overheads correctly placed on the projector.

Kiesling expressed concern about the closeness of the proposed Thomson truck route and was advised that the petitioner was aware of its proximity and was told to go ahead and proceed with the rezoning request.

The ordinance received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Ordinance 94-45 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE  
94-45

It was moved and seconded that Ordinance 94-45 be adopted. The synopsis and committee recommendation of 5-0-2 was given.

Chris Spiek reviewed the maps with the council. He said we were not changing the existing underlying zoning, the request is simply adding this property to a conditional use variance meaning that any property that is located in this conditional use area is allowed to request higher density residential development through the BZA. The BZA will be looking at the particular project to see if it is within the context of the regulations with a specific site plan.

Service asked about the recommended outlines for this district. Spiek said it is within close proximity to the Growth Policy Plan.

Kiesling asked about the criteria to get the special designation. Spiek said it has 1) to be within the map area 2) would have additional landscaping requirements 3) relationship to existing buildings 4) and specific parking requirements.

Spiek said CFC was originally approved for 10 units. This has now been reduced to 8 units.

Service asked what will happen because of the reduction of units. Spiek said the confirming resolution for tax abatement will take care of that; modifications are allowed in state law.

Jim Murphy, President of CFC, was concerned about the level of distrust that seemed evident last week from the tone of the comments and questions that were asked by councilmembers. He showed a list of various meetings that started in June, 1992 starting with a tax abatement request. He said that it was determined at the beginning that if tax abatement was not available, then the project would be withdrawn. He then itemized all the processes CFC has gone through in order to reach this point in the project, discussing tax abatement, site plan reviews, low income set aside and getting that requirement eliminated, tree preservation, BZA meetings and finally the Common Council. He showed the original site plan, the various revisions and finally the current plan with all the changes they have made in order to comply with the city's regulatory processes. The project has no tree cuts on 7th St., only 3 cuts on N. Lincoln St. and there is more landscaping than indicated before.

Ted Ferguson, Legal Counsel for CFC, described the eight, 2 bedroom, brick units with garages. After the council expansion of the high density conditional use they will seek BZA approval for conditional use as well as several variances including site setbacks, rear and street yard setbacks. If they are successful, they will then be back for a confirming resolution. The tax abatement was originally approved for 10 units, but that has now been reduced to 8 units. The high density use must not create any adverse effect to adjacent property owners, that a strict interpretation of the zoning ordinance would constitute an unnecessary hardship, the approval could not interfere with the Growth Policy Plan, could not be injurious to the public health. There was some discussion that this might be considered as a PUD, requiring a minimum of 5 acre, a 30ft buffer, and open space. In a small downtown space, that would not be feasible. They will be requesting variances for those setbacks in order to make the project work.

Jim Murphy showed some articles from the HT collected over the years calling for more housing in the downtown area.

Bob Sullivan, President of the Commission for Bloomington Downtown urged support of the ordinance and this project.

Tom Thornton also spoke in favor of the legislation and the project.

Service commented on the confusion last week, noting that it was not necessarily distrust. She pointed out that it is the councils' job to be attentive to what is brought before them. The plan, last week, was not the plan that was originally approved and information regarding the change had not been brought to the council before that night. The entire project has not followed normal procedures and there was resistance on the affordable component and that had to be reexamined, as well as a reversal of the usual zoning abatement usual sequence. Without the usual procedural checks, it was the councils responsibility to be attentive to what was happening. This is another case where our inquiring about things and attempt to be thorough as been confused with hostility and that is not necessarily an equation. It would not be the right procedure to take everything on faith that comes before us. Things have to be carefully reviewed.

Bonnell expressed concern about this ordinance not in the downtown overlay in the new zoning plan.

Cole said there has been a lot of give and take on each side of this project, that there has been a good exchange of ideas and information and in the end it is an even better project.

White said this is a good start to expanding the higher density downtown residential development potential.

Pizzo expressed support for the project and thought that being bound by a line that was drawn long ago is the height of scrupulosity and we are trying to satisfy the needs of the community.

Swain wondered if there were other petitioners with development plans in this same area; he also thought the council was in agreement regarding the need for housing in the downtown.

Bonnell asked how many parking spaces per unit there would be. The number is two.

Sherman said he supports the project and agreed that it is a much better plan than the earlier concept. He said he did not feel that the responsibility for the long meeting list that Jim Murphy projected earlier falls entirely on the council or city regulations. There are three components to this issue; 1) it's a complex project that takes more time and thought 2) the city processes and regulations that were involved required the approval of almost every approving body and those take time 3) and there are choices that you as a developer made. You knew about the 20% set aside for low income housing in order to get the tax abatement and not to require the set aside meant we had to revisit the whole tax abatement issue in the downtown area and that took time 4) you also chose to go to the BZA rather than a PUD process. The time that it took is due to a variety of factors, some city, some your choices and some the complexity of the issue. In the end it was a good process and has ended up in a good process and in the end it tells us we have to go behind the scenes and give more thought to making things a little easier.

The ordinance received a roll call vote of Ayes:9, Nays:0.

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

Ordinance 94-46 To Vacate a Public Parcel - re: Alley west of 1009 N. Jackson St., (Bloomington Vendors, Inc., Petitioner).

There were no petitions or communications from the public.

LEGISLATION  
FOR FIRST  
READING

ORDINANCE 94-46


page 6

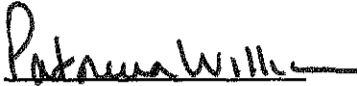
The meeting was adjourned at 9:50 P.M.

ADJOURNMENT

APPROVE;

ATTEST;

  
Jim Sherman, President  
Bloomington Common Council

  
Patricia Williams, CLERK  
City of Bloomington