

In the Council Chambers of the Municipal Building held on Wednesday, May 5, 1993 at 7:30 P.M. with Council President Hopkins presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
MAY 5, 1993

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

ROLL CALL

Hopkins gave the agenda summation.

AGENDA SUMMATION

The minutes were approved by a voice vote with corrections by Kiesling and Hopkins

APPROVAL OF  
MINUTES

Sherman commented on the beautiful spring we are enjoying and the importance of preserving that beauty. He thanked John Fernandez for teaching him how to think, act and most importantly the importance of having a conscience as a political person and councilmember.

MESSAGES FROM  
COUNCILMEMBERS

Swain congratulated the Parks and Recreation Dept for a successful soccer season and in particular his own team. He also bid John a hearty farewell. Miller announced the upcoming Health Fair taking place here at the city on May 26.

Service suggested that the beautiful spring is in honor of our 175th anniversary, welcomed a visitor to our community from Mongolia who commented on how friendly our community was (he had spent the only other time in this country in New York City) and congratulated Fernandez on the great opportunity that lies ahead.

Fernandez said the last few weeks have been a good time to pause, step back and look at what we have accomplished as a council and as a community. So often we are much too hard on ourselves and it's important to take time to reflect. He thanked everyone for their support and in particular the many city employees who really do a good job.

Cole also thanked John for his mentoring skills and also the Parks Dept for the wonderful soccer season.

White urged people to take part in at least one of the varied activities associated with IU graduation this weekend. He congratulated the graduates especially about the half of his council district that changes. He said that it has been a pleasure serving with John and how as naive new councilmembers a few of their ideas actually came to fruition.

Kiesling said that Step Ahead is finally on its way, the upcoming Spring Cleanup and also expressed concern about the upcoming demolition of the old Templeton School and hoped that the city government might intervene and do something about not tearing down this very good building.

Hopkins talked about a Lake Management Forum at Shawnee Bluffs - a strategy session for taking care of the watershed. This year is the 5th anniversary of the Poseltega Committee and that Dr. Janice Ewing is the new president of the committee. He also recognized Darryl Johnson, the council intern who is graduating from IU and has taken a job in state government.

Mike Davis offered the city condolences on the death of Helen Rogers Neely, a lifelong community member and mother of Rick Rechter and Jerry Neely. He also presented an encomium to Mike Gavin of the Bicycle Commission for 37th Anniversary of National Bicycle Month, the Health Services Award was presented to Public Health Nursing for their Community Health Access Program, the Thomson groundbreaking on Thursday and the upcoming economic Development Symposium on June 26 from 8-6 pm.

MESSAGE FROM THE  
MAYOR

It was announced that the Utilities Service Board would meet on May 12 at 6pm in the Utilities Conference Room to discuss Riddle Point.

CITY OFFICES

David Derkacy presented the council with several brochures developed by the Waldron Art Center.

PUBLIC INPUT

State Rep. Mark Kruzan presented a Sagamore of the Wabash on behalf of Governor Bayh to John Fernandez as well as an autographed picture of the governor.

SAGAMORE OF THE WABASH ENCOMIUM FOR J. FERNANDEZ

Hopkins read an encomium to John and wished him the best of luck as he begins his career as a law clerk for Indiana Supreme Court Justice Roger DeBruler.

There was a 20 minute recess to enjoy cake with John Fernandez.

The following appointments to boards and commissions were made:

APPOINTMENTS TO BOARDS/COMMISSIONS

Bicycle Commission	Reappoint	Michael Gavin
	Appoint	David Gerbig
Human Resources	Reappoint	Sylvia Wert
	Appoint	Lisa Sietz
Traffic Commission	Reappoint	Richard Alexander
		Doug Porter
	Appoint	Linda Baldwin
		Seth Lahn
		Jim Rosenbarger(1yr)
King Commission	Appoint	Barbara Baker
		Robert Miller
		Elizabeth Lion.

It was moved and seconded that Appropriation Ordinance 93-2 be introduced and read by title only. Clerk Williams read the ordinance by title only.

LEGISLATION FOR SECOND READING/VOTE

It was moved and seconded that Appropriation Ordinance 93-2 be adopted.

The synopsis and committee recommendation of 5-0-1 was given.

Chuck Ruckman said this ordinance will implement the newly created recycling fund and also includes approximately \$42,000 in the form of a grant. Yard waste costs will also be included in this fund.

APP. ORD. 93-2

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

It was moved and seconded that Appropriation Ordinance 93-3 be introduced and read by title only. Clerk Williams read the ordinance by title only.

APP. ORD. 93-3

It was moved and seconded that Appropriation Ordinance 93-3 be adopted.

The synopsis and committee recommendation of 7-0-1 was given.

Chuck Ruckman said this appropriation will cover in particular preliminary engineering plans for the Adams/5th St realignment and other engineering projects.

Service asked about the 7th/Walnut St. lots and why were we doing underground electrical conduits on billboards that we certainly don't own.

Ted Rhinehart thought the city made about \$625/yr for the boards and the conduit costs are minimal. She wondered if this was an appropriate thing for the city to be doing since boards do play a part in uglifying a community.

Cole asked for a brief timetable for the Adams/5th St. project. Rhinehart said that right now, just the design phase is being funded, then the engineers will do a topographical survey and analysis of that area, then it goes to the state for review, then a public hearing, right of way acquisition and finally construction. There is no funding for right of way at this time.

Kiesling thought we had already done this design work as well as some public input sessions. Ted said an EIS re-evaluation that was an alignment study, there was a public hearing on this and it was approved by the Federal Highway Administration.

Kiesling registered her concern about quarry springs and various other contaminated areas that have not been identified in this particular area.

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

It was moved and seconded that Ordinance 93-19 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 93-19

It was moved and seconded that Ordinance 93-19 be adopted. The synopsis and committee recommendation of 7-0 was given.

Lynn Friedmyer presented a brief description of the tract and the proposal to place 62 units on a combined Phase 1 and 2 development plan on 10.5 acres. The following conditions of approval were determined by the Plan

Commission: the density be lowered to 6/ac or less if the trees could not be saved, that the trees mentioned by the Environmental Commission be preserved and that site plan approval was not a part of the petition and the building should be shifted if it was necessary to preserve those trees.

Swain corrected the committee vote and said it should be 6-0-1.

Mr. Pauley was present.

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

It was moved and seconded that Ordinance 93-20 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 93-20

It was moved and seconded that Ordinance 93-20 be adopted. The synopsis and committee recommendation of 5-0-2 was given.

White moved that the following amendment be introduced: Section 3, following the 2nd sentence - the division may also assist etc.

Service thought the amendment was a great idea and would implement what was the original intention of the code enforcement office. This would provide more flexibility if the Plan Dept doesn't have the personnel then the Enforcement Dept. could handle it.

Hopkins suggested a friendly amendment to White's amendment and suggested shall instead of may. White agreed that it was a good idea.

Tim Mayer, Plan Commission member, thanked the council for the amendment.

White said that since Code Enforcement has been established, they have certainly been overburdened at times and this should help.

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

Rhinehart said that this ordinance is a result of the master plan process and a lot of staff training is the result in professionalizing the department. He commended Pat Bookwalter for the good job she has done.

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

It was moved and seconded that Ordinance 93-16 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 93-16

It was moved and seconded that Ordinance 93-16 be adopted. The synopsis and committee recommendation of 6-0-2.

There are 3 amendments. Amendment #1 was introduced and read, changing the manner in which the areas affected would be referred to as "University Proximate", also to add a section encouraging a comprehensive parking plan around the university by 8/15/94. The motion was made and seconded.

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

Amendment #2 would expand the Elm Heights parking area to areas

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previously not included. It was read and introduced.

Sherman requested clarification.

Ted Rhinehart described, in detail, the expanded area and discussed the intent of the Traffic Commission.

Claire Robertson of the Eastside Neighborhood Association was concerned that the ENA was not notified of the Traffic Commission meeting. The ENA met and voted and was unanimously in favor of the expansion. She stated that the ENA was not an advocate group. Claire Robertson described the safety issues involved. She also discussed the issue of car storage versus valid neighborhood parking. The questions raised by the businesses are not part of the neighborhood association concerns, they do not belong to the association and those are separate issues. Church related parking concerns can be resolved by letting the police know of specific activities and events and ticket writing can be suspended for that time period. She expressed the desire for Hunter to be an east-west bike path.

Jack Davis said that he and Tom Klein talked with the businesses in the area and found that there were 25 businesses. They talked with all but 4 and found they all felt they all had adequate off-street parking. Three businesses were concerned that they might not have enough employee parking and they hope that exceptions can be given to them if they appeal to the Parking Enforcement Office and special exceptions can be given if they truly need parking. TIS sometimes employs as many as 80 people at the peak of the book buying season and at any given time they had 30 off street employee parking spaces. University Ministries currently leases spaces to students and they would be willing to negotiate with any businesses that are interested.

Kiesling and Fernandez discussed the fact that all of the businesses were in the original ordinance, not the one proposed by the ENA extending the zone boundaries. There are no businesses in the expanded ENA area.

Ian Patton spoke in opposition to the ENA "amendment", noting that the area under discussion was developed in a post war era, that there are adequate facilities for off street parking as well as street widths for parking cars. The need is just not there for the permit process. He also expressed concern that the permit costs would escalate and become a \$50-75 dollar permit in future years. He thought there should be an amendment that would state that there would not be any future changes in the cost of the permits for say 10 years.

Fernandez said he was reluctant to promise anybody that the costs would not go up and it would be irresponsible to future administrations and councils.

Ray Buhls, upcoming president of the ENA spoke in favor of the amendment.

Service said we need to take responsibility for our actions and look ahead at the impacts they have. Perhaps this section of our city is not suffering at the moment, but expansion of the parking zones will impact them, and it would be irresponsible for us to increase the zones incrementally, and then wait until people are screaming for some relief before we respond. We already know, at this time, what happens to surrounding areas when a zone goes in.

Swain said we should be concerned that government should be forward looking, but we have a mechanism in place, namely the Traffic Commission that is essentially being bypassed and they have not had a chance to study the issue for content and impact. We might be reaching too far with this one.

Kiesling said that considering the next ordinance (namely Green Acres parking permit plan), this area will be impacted. She asked Rhinehart about Traffic Commission involvement in this discussion. He said he did not know who got informed about what at this point. He said the Traffic Commission, all along, has considered this a policy question and the members of the commission have personal opinions on the merit of permit vs non-permit, but they are in agreement that we need to take care of overflow parking problems as they occur and if we are going to have this kind of university proximate program then we should address all the concerns. He did note that this was discussed as an Elm Heights extension of the zone, rather than an eastside area and it was done at various times in the Traffic Commission agenda.

Miller thought that the ENA amendment actually has doubled the original area to be considered. We need to do our homework, in advance, and use the expertise of the Traffic Commission. The ENA brought this amendment to us last week and we need to evaluate the implications much more carefully than this short span of time can provide. She said she is going to support the ordinance, but it is the amendment that bothers her. She urged delay until June 2 after proper scrutiny.

Sherman believed that is a logical step with High St being a reasonable east-west boundary. When we pass the next ordinance, it will have a serious impact on this particular part of the eastside neighborhood. If not now, then when.

White supported the extension as did Fernandez and logically it just doesn't make sense to exclude this area.

Amendment #2 received a roll call vote of Ayes:7, Nays:2 (Swain, Miller).

It was moved and seconded that Amendment #3 be considered, dividing the area under discussion into 2 zones, namely Elm Heights (Zone 1) west of Jordan Avenue, and the area east of Jordan, namely Zone 2.

White said that this will eliminate "cross-district commuting".

Amendment #3 received a roll call vote of Ayes:9, Nays:0.

Fernandez raised concerns about the granting of exceptions to businesses in the zone. Technically there is nothing in the current ordinance that allows that special consideration/exceptions for businesses or employees. The ordinance is going to have to be revisited if we want that kind of exception to be possible.

Ted Rhinehart stated that the question is not so much businesses, but how to treat non-resident landowners. Rhinehart explained that there was an appeal process for non-resident landowners.

Fernandez said he was more concerned with employees than with owners. Service discussed the merits of appeals versus exceptions and stated that most businesses have adequate off street parking.

Kiesling supported Fernandez's idea of working with businesses to provide employee parking.

Sherman expressed that the idea of allowing employees to get permits will lead to problems. Sherman used the example of the music school and if all those employees were to get stickers.

Linda Okeke stated that the restricted parking was wrong because these are public streets with public parking, and she as a member of the general public could not park there while the people who lived there got special privileges in the form of permits. Okeke felt it was wrong when she paid taxes on the streets that she could not park on.

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Claire Robertson pointed out the areas most effected by the parking problems already. Robertson discussed the lack of enforcement regarding the standing laws.

Sherman stated in regard to statements made by Okeke that her point was well taken but that the decision is not made cavalierly.

Service said that not all part of the equation were present because IU was not present. Service said that IU must be a part of the solution.

Kiesling said she was glad that Okeke was present to represent the disfranchised.

Swain felt that the council might be being precipitous and not taking it's time. Said that you must go back a year ago and look at what has and has not been done. Swain felt that we had not gone long enough in the pilot area to see what the long term effects were. Swain felt that the plan was far too sweeping in to short a period of time, that more time should pass for IU progress to take effect, and we are creating areas urban in nature that are taking on the characteristics of suburban additions.

Fernandez suggested that if the permit program is going to be rehashed philosophically for each zone, then vote no.

Mike Davis reminded everyone that the parking permit program does support the growth policy plan.

The ordinance, as amended, received a roll call vote of Ayes:8, Nays:1 (Swain).

It was moved and seconded that Ordinance 93-17 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 93-17

It was moved and seconded that Ordinance 93-17 be adopted. The synopsis and committee recommendation of 6-0-2 was given.

An amendment dealing with some housekeeping items, such as defining the area as Zone 3 changes the name of the actual title of the program. It was determined that the entire ordinance before the council this evening contained these very modest changes and the ordinance would be voted on as presented.

Swain asked about personnel. Rhinehart said the same officers would cover all the zones.

Marie Webster spoke in favor of the plan as did Tim Mayer citing safety concerns and cars currently parked on lawns and in right of way for narrow streets.

Claire Robertson also spoke in favor of the ordinance noting that people walk on these streets and the vehicle congestion is a real safety concern.

White expressed sympathy for people who were walkers and were forced to walk in the street, but in this particular neighborhood the developer did not put them in at the time of construction (probably not a requirement), it them became built up and it just is not possible for the city to come along and offer the kinds of services and facilities that people want today.

The ordinance received a roll call vote of Ayes:8, Nays:1 (Swain).

It was moved and seconded that Resolution 93-17 be introduced and read by title only. Clerk Williams read the resolution by title only.  
It was moved and seconded that Resolution 93-17 be adopted. The synopsis and committee recommendation of 6-0-1 was given.

RESOLUTION 93-17

Fernandez spoke in favor of this resolution, noting that again we must consider a sum of money to deal with a very huge problem and while we say yes to one group, it is hard to say no to other needy organizations.  
Service said that this budget line item was something of a last minute thing last year and she hoped that it could become a regular budget line item on a permanent basis.

Sherman jokingly wondered how Fernandez got credit for this project and Sherman got the trash kudos..

White felt this was a good example of the right support for a capitol project. Kiesling while disappointed that the Dental Clinic was not considered did agree that the health care crisis was properly identified in the COMPASS report as a worth need.

Hopkins felt that it was important that the monies allocated play an important part in getting a project off the ground.

Ellie Rogers thanked the council and everyone that was involved in the process. This is an exciting day for Public Health Nursing.

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

It was moved and seconded that the following ordinances be introduced and read by title only by the Clerk for first reading before the Bloomington Common Council.

LEGISLATION FOR  
FIRST READING

Ordinance 93-15 To Amend the Bloomington Zoning Maps from RE to RS, Grant PUD Designation, and Approve the Outline Plan - re: 1394 S. S. Rd. 446 (Steve Rumble, Petitioner).

ORDINANCE 93-15  
ORDINANCE 93-32

Ordinance 93-32 To Amend Title 15 of the BMC Entitled "Vehicles and Traffic".

There were no petitions or communications from the public.

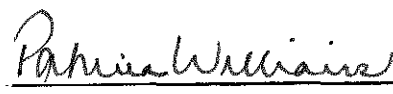
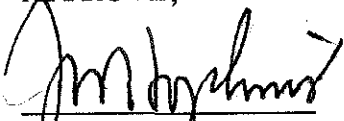
PUBLIC INPUT

The meeting was adjourned at 11:20 P.M.

ADJOURNMENT

APPROVE;

ATTEST;



Jack W. Hopkins, President  
Bloomington Common Council

Patricia Williams, CLERK  
City of Bloomington

Approved 2 June 1993