

In the Council Chambers of the Municipal Building held on Wednesday, September 15, 1993 at 7:30 P.M. with Council President Hopkins presiding over a Regular Session of the Common Council

COMMON COUNCIL  
REGULAR SESSION  
SEPTEMBER 15, 1993

Roll Call: Swain, Pizzo, Service, Hopkins, Kiesling, White, Cole (arrived at 8:30 P.M.) Absent: Miller, Sherman

ROLL CALL

Hopkins gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes for approval.

MINUTES FOR  
APPROVAL

Kiesling reported that several Councilmembers and others involved with the city attended the ATSDR forum and felt that the dialogue that developed there was important. She noted the importance of people coming from outside the community to corroborate opinions already existing in Bloomington. Tapes of the meeting will be available to the public.

MESSAGES FROM  
COUNCILMEMBERS

White commended the Board of Public Safety on the public meeting held the day previous. He felt that this was the right type of step in dealing with the lack of communication between the public, police force, and the city administration. White said that meetings of that type should continue and would become more productive over time. White noted the upcoming meeting of the Indiana Association of Cities and Towns and specified some of the issues to be discussed at that meeting.

Service reminded the public of the upcoming Monroe County Fall Festival in Ellettsville. She expressed a gripe to the effect of people complaining about the government without proper information and consistency. The complaint she discussed in detail was that of a letter to the editor complaining about a lack of city services and an increase in taxes. She hopes citizens would think things through. Without taxes, no services can be provided.

Pizzo was impressed by the ATSDR panelists and technologists noting that all people present did not necessarily speak as one voice. He commented on the alternative technologies that were discussed and said he felt encouraged, particularly by the plenary sessions. He said that the information produced at the meeting would be presented and reviewed by the EPA and he believed that the reports will show that incineration is not the technique for Bloomington. Pizzo noted current information that indicates that the levels of PCB's in Bloomington have gone down 90% in the last ten years. Pizzo stated that the forum had made him feel encouraged that the problem would be solved.

Swain voiced his support of White's comments on the law enforcement issue. Swain then urged the Council to establish a committee to aid the Board of Public Safety, the committee not to be a bureaucratic overlay or to duplicate the Boards efforts, but simply to assist it in any way possible. The committee would mainly serve as a public forum for ideas not appropriate to bring forth at the Board of Public Safety. He congratulated the Boy's Club Soccer Season Fall Kick-off. He noted that the United Way Fall Drive was underway also.

Hopkins voiced a sentiment for a broader public forum for the law enforcement issue that is fair, open, and unintimidating. He supported the idea of a committee.

He stated that he had attended the Gang Task Force meeting the previous night and that it enforced his belief that the situation warranted public consideration.

Mayor Allison discussed the importance of the United Way to the community. The Mayor said she would fully cooperate with the Board of Public Safety on the law enforcement issue. They Mayor commented on Councilmember Pizzo's numerous and longstanding activities involving PCB's. She talked about the consent decree and it's implications in the incinerator question. She pointed out that the final word rested with the EPA. She said that Superfund is an adversarial law and hoped it would be examined.

MESSAGE FROM  
THE MAYOR

Kiesling commented that Superfund is up for re-authorization and will be before Congress early next year. Hearings next week will decide what changes will take place.

Bill Mills felt the Bloomington Police are out of control. The main reason for this are the forfeiture laws. He noted that some of the material seized is used for personal use by the police making the seizure. He felt that this system creates corruption and arrogance inside the police department. He felt that the city police should not be able to use the forfeiture laws or at least have any advantage personally in doing so. He went on to discuss examples of arrogance and derogatory comments made by the police. He suggested removal of officers who have committed such action. He called on Mayor Allison to remove Chief Sharp.

PUBLIC INPUT

Michael Hemmerling wants the removal of Chief Sharp and a change in procedure for coming before the Board of Public Safety. After clarification of the procedure, Mr. Hemmerling said that the existing procedure was fine.

Katie Wolf was concerned about the forfeiture laws. She said she has never seen any gangs and does not feel it is a real danger. She said she was glad that there is a serious effort against the PCB incinerator.

It was moved and seconded that Appropriation Ordinance 93-7 be introduced and read by the Clerk by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Appropriation Ordinance 93-7 be adopted. The synopsis and committee recommendation of 8-0 was given.

LEGISLATION FOR  
SECOND READING  
VOTE  
APP. ORD. 93-7

Chuck Ruckman, City Controller, stated that the ordinance would appropriate money to pay our share of the South Walnut St. Project.

Hopkins asked if this would finish up the project. Ted Rhinehart, Director of Public Works, said this would cover the second phase from Miller to Winslow. Kiesling asked about the bidding process and Rhinehart said the State Highway Department collects bids and that bidding would open on October 19th. He said that the beginning of actual construction was up to the state. He noted several parts of the project that could be worked on year round.

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

Nays:0

It was moved and seconded that Ordinance 93-45 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 93-45 be adopted. The synopsis and committee recommendation of 8-0 was given.

It was moved and seconded that the ordinance be amended to correct certain technical errors.

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

Susan Failey, Assistant Attorney for the city, stated this was strictly a business move by Kroger to refinance bonds while interest rates were low. The bonds require no obligation on the part of the city or its citizens. She recognized Krogers representative, Tom Ruemler, and noted his past statement of the benefits provided by Kroger to the City. Kiesling said she appreciated Kroger, and Ruemler in particular, for their activities in the community.

Ruemler thanked the Council.

Service expressed her intent at the last meeting of passing on the committee vote regarding this ordinance. She is concerned that Kroger is not doing it's part for the trash sticker program. She noted that in her neighborhood people were not properly marking their trash and felt this was due to poor education regarding the program. She hoped Kroger would put up the posters and promotional material as they had stated they would.

Kiesling wished to make it clear that the stores were not getting any money for providing a place to pick up stickers and that Kroger and other groceries were doing this as a public service. She suggested that councilmembers should go to communities and ask people how the program was functioning. Ruemler said that store managers had guaranteed that the signs would be put up. Service said she might have missed the signs but that she had looked for them specifically. White said that signs were up at the Kroger office. Ruemler said that an effort would be made to make the stickers available all night the night before pickup.

The ordinance, as amended, received a roll call vote of Ayes:5 Nays:1(Service)

It was moved and seconded that Ordinance 93-43 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 93-43 be adopted. The synopsis and committee recommendation of 4-0-3 was given.

Tim Mueller, Planning Director, discussed the history of the Century Village project. Bill Brown has proposed to expand the restaurant there including new parking. Eventually the expansion was approved as part of a compromise and any further expansion would be limited and have to go before the Plan Commission.

Hopkins expressed his concern about creating an unsatisfactory traffic condition and cited several other similar comparative situations to the proposal. He was surprised that the petitioner was unwilling to make a small compromise in a potentially big problem and wanted to know what the problem was. Mueller said the petitioner should speak regarding his reluctance and the department is conscious that Morningside should not be a cross street with an interchange of traffic between the two streets. Another factor is that this is a conflict, the petitioner stood his ground and staff stood theirs and the proposal got nowhere. To strike the reasonable balance a compromise was struck. Kiesling asked if the State Highway Dept was involved and Mueller said it was and that the state had taken no position either way. Kiesling remembered that the state was unwilling to give a realigning permit Mueller said that the state was willing to allow accel/decel lanes.

Steve Smith, representing petitioner, gave a history of the site and the proposal. In 1980 the plan for the tract had been to expand to the west, but the state stopped that. In 1988 the hotel was proposed with the driveway to the west and with the provision that the existing drive be reconfigured. In 1993 the hotel wishes to expand and the project is back to where it was in 1980. He noted that hotels generate little traffic. The petitioner feels the drive is appropriate regarding the amount of traffic. He noted where traffic does occur in the area. He stated the compromise with the Plan Commission is, that in the event the character of traffic changes over what was planned in the early 1980's, then the project should be reopened to the Commission. After weeks of discussion, the Plan Commission approved the proposal 7-0. At Plan Commission, Jim Sherman asked Smith if the driveway was safe, Smith replied he thought it was safe, and after that he drove the driveway many times and feels that it is as safe as possible. Swain asked why the petitioner opposed having ingress from third and egress on Knightridge Road. Smith felt that would create a traffic problem on it's own and was inefficient because of the size of the complex.

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

It was moved and seconded that Ordinance 93-32 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 93-32 be adopted. The synopsis and committee report of Do-Pass 4-0-2 was given.

ORD. 93-32

Tim Mueller, Planning Director, said that the proposal was an issue of Master Plan Compliance. The area in question is around the break between large lot residential and compact urban form areas. The staff recommended that near the compact area the proposed development have higher density, gradually moving to lower density as it moves towards large lot residential. The petitioner agreed to this and this is what the plan shows. All of the issues raised in the preliminary stages have been addressed. Mueller stated the conditions of approval.

Kiesling asked if the petitioner would improve Fullerton to county standards and Mueller said that the entire length of Fullerton would be brought up to city standards, including sidewalks on one side of the street

Kiesling asked if Fullerton would be connected to other parts of the area and Mueller said it would become a major link eventually.

Service asked if an adjacent area zoned for quarries was developable and Mueller confirmed that it was.

Kevin Potter, representing petitioner, asked if Council had any questions for him. Council had none.

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

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

LEGISLATION FOR  
FIRST READING  
APP. ORD. 93-8  
ORDINANCE 93-46  
ORDINANCE 93-47

1. Appropriation Ordinance 93-8 To Specially Appropriate From the Municipal Facilities Lease Fund Expenditures Not Otherwise Appropriated. (Showers Project)
2. Ordinance 93-46 To Authorize the Execution of Lease for Showers Project and Issuance of Bonds.
3. Ordinance 93-47 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"

There was no public comment.

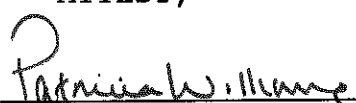
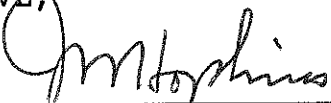
PUBLIC COMMENT

The meeting adjourned at 8:55 P.M.

ADJOURNMENT

APPROVE;

ATTEST;



Jack W. Hopkins, President  
Bloomington Common Council

Patricia Williams  
CLERK