

In the Council Chambers of the Municipal Building held on Wednesday, October 20, 1993 at 7:30 P.M. with Council President Hopkins presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
OCTOBER 20, 1993

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

ROLL CALL

Hopkins gave the agenda summation

AGENDA SUMMATION

There were no minutes for approval.

MINUTES FOR
APPROVAL

Councilmembers Miller and Service volunteered to serve on the Parks Committee as requested by Hopkins.

Kiesling invited everyone to the Monroe County Recycling Center Open House on Friday, October 29, 1993 from 4-6 pm. She commented on Resolution 93-34 dealing with the interim watershed issue and thought the current document did not receive the focus it demanded and left a lot to be desired, there has not been sufficient dialog, hoped we might move along quickly to get the proper ordinances in place so that people can develop accordingly.

MESSAGES FROM
COUNCILMEMBERS

White commented on the deteriorating condition of our current storm water retention system, the problems all over town when it rains, stalled cars, especially along College Mall Rd and 3rd St this evening and the need to look at some long term storm water drainage plans.

Cole said that the letter has been written to the rail road officials regarding signage in the Quarry Springs area and we are waiting for a response.

Service thanked the petitioners for the Gentry Estates rezone petition for withdrawing the petition at this time. She felt that the entire community could benefit from a thorough discussion of the issue and noted that the rain this afternoon did point out the problems with water run-off.

Sherman wished his wife a Happy Anniversary and gave the hours and rules for the Halloween trick or treaters.

Hopkins said that he, Service, Sherman and Plan Commissioner Tom Swafford will meet with Tim Mueller to start the zoning ordinance process moving along. He also announced the upcoming Bloomington Tomorrow on Saturday, November 6 at SPEA and invited the public to participate.

The Mayor said she is well aware of the storm water drainage problems and the tremendous overload that occurs with many of the older drains in the city. She did point out that 2-3" of rain in one day is a tremendous overload for the system to handle. We are, however, beginning to map the system using our GIS system and that in itself will be an expensive process.

MESSAGE FROM
THE MAYOR

She also said that the Bloomington Tomorrow forum will also contain the annual master plan update. Mayor Allison acknowledged the Parks and Recreation awards for Twin Lakes Park and John Turnbull's Hook a Kid on Tennis. She also noted an award for the Parks and Recreations Departments Master Plan. The Mayor also announced that Lee Huss, City Landscaper, has secured two grants totaling \$24,264, and that these would be used for city tree projects. She congratulated and thanked city employees for increasing the city's United Way contribution by 9% this year.

She then wished Barb Baker, Special Project Coordinator for Human Resources, to get well soon.

Kiesling stated that the Urban Enterprise Zone Board has approved a document that would start the process of re-employment and job training for unemployed residents of the zone.

COMMITTEE
REPORTS

Lynton Caldwell presented a written statement to the council regarding the withdrawn Gentry petition and the Interim Watershed resolution. He urged the elected officials to uphold the principles of the Master Plan and resist efforts on the behalf of individuals to nullify the plan. The petition centered on technical issues rather than the more fundamental one of public trust and the role of the elected official is to uphold that trust and represent the citizens of the community rather than act as mediator for a particular petitioner.

PUBLIC INPUT

It was moved and seconded that Resolution 93-33 be introduced and read by title only. Clerk Williams read the resolution by title only. It was moved and seconded that Resolution 93-33 be adopted. The synopsis was given.

LEGISLATION
FOR SECOND
READING
RES. 93-33

The Mayor said that both the Human Resources and Human Rights Commissions have worked on American with Disabilities legislation and have requested this resolution in order to get the community and council on record as supporting this and then forwarding it to our state legislators for their support.

Kristin Willison enumerated the many obstacles that many of our citizens encounter on a daily basis, badly aligned or non-existent curb cuts, dangerously low tree limbs and branches, lack of accessible handicapped bathrooms and lack of signage.

Byron Smith showed slides of many of the points Willison raised as did David Carter. Smith particularly pointed out the many "sandwich board" signs, tables, and kiosks that are on the downtown sidewalks at almost any given time. A long discussion ensued regarding the real issue, which is the constitutionality of discriminating against people with disabilities.

Service asked about our building codes and the Mayor said the State Building Code is our guideline. (ADA is not currently in the state guidelines).

Hopkins asked about the current code regarding signage along the downtown sidewalks and Allison said the city is trying to address this.

Allison said that so often we are not aware of everything that could be an obstacle for someone. There are standards in place and what we can do is make sure that they do work and especially concentrate in the more heavily traveled areas. She said Purdue University has produced a videotape for builders to make buildings accessible and conform to the new regulations. We have requested a copy of said tape.

David Carter said the real problem is that the state has not caught up to the federal laws and that is why they want the council to tell the state legislature that they support the federal laws and want it adopted state-wide.

Sherman said that enforcement is the weak link in our system and unfortunately good intentions don't make good enforcement. He volunteered to do whatever he could to help remedy the situation.

Smith also addressed the enforcement problem and he said he was not adverse to sidewalk signs, racks or tables but thought that the business had a responsibility to staff the area if they did put something on the sidewalk that was an obstruction.

Barbara Grissom from Abilities Unlimited said that we need to endorse this

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process and then get on with the recommendations and move forward.

White thanked everyone for coming out this evening and thought we had received some valuable information.

Service suggested that the enforcement questions might be addressed if there was actually someone responsible for addressing the problems and complaints.

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

It was moved and seconded that Resolution 93-36 be introduced and read by title only by the Clerk. Clerk Williams read the resolution by title only.

RES 93-36

It was moved and seconded that Resolution 93-36 be adopted. The synopsis and committee recommendation of 6-0-3 was given.

Chris Spiek said that the process for determining if an ERA or EDTA is appropriate has been clarified, streamlined and hopefully clearer for people to understand. The approved Procedures for Tax Abatement are attached to the original resolution. An important change to note is that the request can be processed before the Council for an ERA or EDTA and get the Council's recommendation on that and the term of abatement but that the confirming resolution that follows would be withheld until the applicant goes through whatever applicable procedure he/she needs to complete (BZA, Planning if necessary). This gives the petitioner a sound hearing before the Council with the necessary assurances that the abatement is acceptable. The delay time for the confirming resolution would take place after any other procedures/approvals have taken place if necessary. If no other approvals are required, then the confirming resolution would take place as routinely as it does now. He also said that applications for tax abatement in the downtown sub-area would only be for single family housing. Industry/manufacturing equipment has also been inserted as a category. This was missing from our earlier chart. It was also clarified that Retail would be allowed in an EDTA only. In order to have enough incentive for development in the downtown, a new discretionary category has been included that allows for the granting of more abatement if the development is in the downtown. Historic Preservation: added to ineligible projects is the language that talks about demolition or removal of historic structures and we have removed the language that refers to rehabilitation. This encourages and provides an incentive to rehab buildings and historic properties.

Marjorie Hudgins, representing the Old Northeast Neighborhood Association, in support of resolution amending the tax abatement procedures.

Ted Ferguson thanked everyone involved for their efforts on behalf of this entire rewriting process. He thought that this revised procedure was a more user-friendly process. He asked that the confirming process follow the current timetable (a resolution is passed and a confirming resolution is scheduled for the next Common Council meeting) rather than the changes talked about earlier that involve a longer time span if other approvals are required. He requested that the schedule of terms be altered to establish ten years as a guideline for tax abatements for office and retail space that is located in certain downtown areas. He felt that this would assist in sending a message of support to those who wished to work in this area and he felt the guidelines would encourage more developers to do more work in the downtown area and help revitalize that area.

Miller asked Ferguson to specifically reiterate his requests and Ferguson did.

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Sherman wanted to know if subsequent disapproval by a board or commission after Council approval made the Council approval moot and Ferguson said that it did and that his changes might make development more flexible.

Sherman said that making Council approval contingent upon future approval was a more appropriate way to do this or Council could approve abatement for a project and the project would change to one the Council disapproves of but cannot deny abatement to.

Service said that the open-ended option had been considered but that the one-step process was much simpler and efficient.

Kiesling asked about statutory notification requirements. Dan Sherman noted that the requirement was ten days.

Clerk Williams said that the notification period was also to allow time for information to reach the County Assessor and for legal publication. This time frame allows for public perusal of and input on the proposal.

Spiek said that the variability in the abatements was to reward quality projects and those with greater merit.

Service said that office and retail space were also more natural things to do downtown and did not necessarily need to be encouraged, but encouraging quality work and residential development were very important.

White wanted to know what abatement Fountain Square received. Spiek said it had received a 10 year abatement.

Spiek also noted that the Council has never decreased the term of an abatement that has been recommended, he also noted that ten years is the maximum term of an abatement of this sort.

Kiesling asked about state guidelines on the term of abatements and Spiek said there were none.

Hopkins felt there was consensus on the Council that the recommendations of the committee remain as stated in the new procedures.

Kiesling noted that there is flexibility to raise the term of abatement and that flexibility should remain there for future Councils.

Kiesling asked about statutory timing required of the Council. Spiek said the state did not require the Council to follow up at the very next meeting, with the confirming resolution, but he felt it was good to do these things in a timely manner.

Kiesling then asked about historic designations and their economic feasibility and if something is not feasible can it still receive partial abatement. Spiek said that the decisions of this type are left to Council discretion.

Kiesling thanked Spiek for a very good job on this entire issue.

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

It was moved, seconded and approved by a roll call vote that Resolution 93-34 be tabled. Ayes:7, Nays:0.

RES 93-34
(TABLED)

It was publicly announced that Ordinance 93-31 was withdrawn by the

ORD. 93-31
(WITHDRAWN)

petitioner and a copy of said notification is attached to the ordinance.

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

LEGISLATION
FOR FIRST
READING

Ordinance 93-24 To Amend Chapter 6.12 of the BMC Entitled "Smoking in Public Places" (Prohibiting smoking or eliminating designated smoking areas in certain public places that commence operation or that cease operation, change ownership or change location after June 30, 1994).

Ordinance 93-39 To Amend the Bloomington Zoning Maps from RL to ML, Grant PCD Designation, and Outline Plan Approval - re: 3111 Vernal Pk (Cowden Development, Petitioner).

Ordinance 93-49 To Grant RS/PUD /Designation and Outline Plan Approval re: 401 E. Graham Dr. (Wininger Stolberg Group).

Ordinance 93-50 To Amend Chapter 14.09 of the BMC Entitled "Noise Control".

Ordinance 93-51 To Vacate A Public Parcel re- Two Parcels located at 400 W. 7th St. (Eighth Street Development Corp., Petitioner).

There were no public comments.

PUBLIC INPUT

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

ADJOURNMENT

APPROVE;

ATTEST:

 

Jack W. Hopkins, Pres. Patricia Williams, CLERK
Bloomington Common Council City of Bloomington
Regina Miller, Vice President
Approved November 1, 1993