

In the Council Chambers of the Municipal Building held on Wednesday, November 17, 1993 at 7:30 P.M. with Council President Hopkins presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULST SESSION
NOVEMBER 17, 1993

Roll Call: Sherman, Service, Hopkins, Miller, White, Kiesling. Cole, Pizzo and Swain arrived after start of meeting.

ROLL CALL

Hopkins gave the agenda summation.

AGENDA SUMMATION

The minutes of November 3, 1993 were approved by a voice vote with several clarifications as suggested by Kiesling.

MINUTES OF
APPROVAL

Sherman wished everyone a Happy Thanksgiving and said we have much to be thankful for here in Bloomington. Service reminded people of upcoming theater productions. She also commented on the most recent Positive Progress newsletter with the usual vicious distortions of what happens in the city, particularly the headline that the "city backs down on master plan review" as trying to present something as a defeat for the city which was a ludicrous farce by a bunch of people who are declaring an all out war on the master plan and the article states that they are going to take every opportunity they can to attack the plan and see that it is defeated even though people overwhelmingly expressed their support for it.

MESSAGES FROM
COUNCILMEMBERS

The newsletter also attacked Miller for supporting the NAFTA resolution and with a journalistic style that was particularly objectional...feverish, ignominious were words used in description. The vote to table the resolution had nothing to do with the Chamber of Commerce full page HT ad. The votes simply were not there and councilmembers did not wish to be on the spot regarding NAFTA which they did not consider relevant, others did but were not given the opportunity to support it. And finally the newsletter says "Service rallies against downtown investment" She said she was the one who suggested that redrawing the line on the map would allow CFC's project to be included in the area that would receive tax abatement. Positive Progress, when first started was under the pretense of being non-partisan and broad based and she supposed that we should be grateful that they have at last dropped that facade and expressed themselves as partisan, special interest and self serving as they in fact are.

Hopkins said the Chamber of Commerce has become almost as irresponsible as Positive Progress has been the last few weeks. He addressed a recent Chamber letter sent to the council regarding NAFTA support translating to not understanding the importance of business and industry to the community and not being friendly to business. He said to look at the record of support for rezonings, tax abatement and trying as a body to attract new industry, the Chamber is way off base and if Bloomington has the reputation of being anti-business, it is because the Chamber is trying to spread that. There is nothing to support an anti-business charge toward the Council. Because of the recent pro-NAFTA ad in the HT, the Chamber was flooded with telephone calls and reportedly lost at least one member. The Chamber was trying to sell the notion that NAFTA was not a local issue and therefore the Council should do nothing about it and at the same time spent \$2,000 on a full page ad saying that it is a local issue and we should support it.

Miller agreed with Service and Hopkins and said she hoped that the paper or any other organization would try to get the right information from the right

sources. She felt that the Chamber of Commerce had been negligent in not contacting the Council regarding the information printed in the newspaper. She wished everyone happy holidays and noted the upcoming 8th Annual Festival of Trees to benefit the Bloomington Hospital. She expressed her thanks for the Community Kitchen, noted its accomplishments and encouraged people to assist that organization in its Thanksgiving festivities.

Cole wished everyone a happy Thanksgiving and expressed her appreciation of the Community Kitchen. She then discussed her opinions regarding the Chamber of Commerce's opinion. She noted the opening of the Westside Community Center and discussed its uniqueness. White stated that the problems with the Chamber of Commerce and with Citizens for Positive Progress were simply differences of opinion. He then discussed a convention he and others in city government had attended in Fort Wayne on community based policing. He discussed various changes and aspects required to do community based policing.

Kiesling noted "Hospice Month" and its "Light Up Your Life" program. She hoped that people would look at the National Geographic article on water.

Swain suggested penalties for late Councilmembers. Pizzo discussed changes in the Council attitudes over the years. He said in the mid-1950's and the late 1960's Council meetings would last 15 minutes and all decisions were made in a back room.

Mayor Allison talked about the Arts Commission and Joanne Alexander, Arts Commission Chairman, introduced the other members of the commission and discussed their funding, purchases, and placement of their activities. Mayor Allison discussed several past purchases and Bloomington's reputation for support of the arts. Hopkins thanked the Arts Commission for their work. Kiesling discussed new park areas and the Enterprise Committee. *Jim Assoc*

MESSAGE FROM
THE MAYOR

It was moved and seconded that Ordinance 93-51 be introduced and read by the Clerk by title only. Deputy Clerk Shay read the ordinance by title only. It was moved and seconded that Ordinance 93-51 be adopted. The synopsis and committee recommendation of 8-0 was given.

LEGISLATION FOR
SECOND READING
ORDINANCE 93-51

Tim Mueller, Planning Director, gave a brief description of the area surrounding Johnson Creamery. He stated that the petitioner has secured all necessary permissions to proceed with their plan but a detailed survey showed that a portion of the building lies in a right of way. The vacation is needed so they may satisfy the lender. The conditions of approval were discussed, including removal of liability for damage that sewer lines under the structure may suffer. Steve Emory, representing petitioner, spoke in support of the petition and thanked various departments for their assistance.

Charlie Keller said that he felt that a mistake was being made because he had deeded some land to the city and that the measurements didn't match up. He then expressed his support of development in the area, but he felt that the citizens should not hold the expense of the development and that the land ought to be sold, not given, to the developer.

Kiesling asked if his plat had been corrected and Keller said that it had been.

Sherman asked Mueller about the possible sale of the land and Mueller said that the city legal experts had said that selling the land is not an option and that the city is simply relinquishing its claim on the land. Cole said that this is an important point and that she hoped that this point was well taken. Kiesling said that Keller's point is that he traded land, it was not given to him and that the city should reach a similar agreement with the petitioner. Cole said that this project is very difficult and that the extra incentive was important to getting the building rehabilitated.

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

It was moved and seconded that Ordinance 93-53 be introduced and read by the Clerk by title only. Deputy Clerk Shay read the ordinance by title only. It was moved and seconded that Ordinance 93-53 be adopted. The synopsis and committee recommendation of 6-0-1 was given.

ORDINANCE 93-53

Ted Rhinehart, Public Works Director, gave a description of the situation leading to the ordinance. The petitioner is interested in having designated leased parking spaces in Lot 3 to accommodate the condo units he plans to create in a renovated Allen Building. There are 78 metered spaces in that lot at the current time, with about half being used by permit parking holders. He recommended that up to a fourth of that lot be designated leased parking, comparable to the other downtown lots. Initially we would offer up to 10 spaces to the condo owners, of the 20 or so that would make up the total of leased spaces for the lot and see what the impact is for that lot. Revenue is about the same with leased spaces or meters.

Sherman said he would have some problems with the leased space arrangement if there was a lot of need for them and the city was in the business of dedicating them to a particular person, partner or business owner.

Rhinehart said we do not get that many requests for leased spaces and in fact there are spaces available that go unclaimed now. It's tough to balance turnover parking, leased parking and employee parking so the downtown mix is always being evaluated.

Miller asked about rental/student/apartments and John McKay the developer said there would probably be a 50/50 mix of students and professionals. She also wondered about the response from the various businesses in the area and Rhinehart said that Monroe County bank employees park regularly and the rest is pretty much random usage. The building is on the Historic Register and they are looking at about a \$400,000 renovation.

White wondered about using regular "Red" permits, allowing parking any where and not tying up parking for the normal flow of downtown business customers. McKay said that was considered and they might decide to buy them as well as the 10 leased space permits. White said he was a little nervous about dedicating parking space in this manner because it has seemed to work better when there is a "flow" of various uses and this pretty much ties it up for only one type of parking. However the need for people living downtown

and supporting the infrastructure in the downtown is important, he would support the 10 spaces with a little caution. McKay thought that by starting with a lower number of leased spaces, he would have a better understanding of what will eventually be needed.

Cole asked about renovating areas like the Bellevue Gallery. McKay said he is in negotiations to buy the building now and those points are under consideration. Sherman asked about the designation of the spaces and McKay said the permits would be for leased spaces.

Swain asked about who did the designation and Rhinehart said the spaces would be given to the landlord to be designated by him for his tenants. Swain asked if the leaser left would the following tenant be responsible to keep the permit.

Rhinehart said no, but the permit could be transferred if the new tenant wanted it.

Service said that as long as residential development was encouraged in the downtown area and there are no parking requirements, then solutions like this must be found.

Swain stated he hoped the city would put its money where its mouth is and provide parking in the downtown area for residents. He said that this ordinance is just that and he would support it.

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

It was moved and seconded that Ordinance 93-54 be introduced and read by the Clerk by title only. Deputy Clerk Shay read the ordinance by title only.

ORDINANCE 93-54

It was moved and seconded that Ordinance 93-54 be adopted. The synopsis and committee recommendation of 6-0-1 was given.

Bill Riggert, City Engineer, listed the areas of the proposed changes and noted that the final change was simply a house keeping notation. The changes include angle parking on Seventh between Rogers and Madison, in the Johnson Creamery area.

Cole was concerned with pedestrian access to the sidewalk with angle parking.

Riggert said that the sidewalk would remain a four foot walkway even if bumpers had to be put in so the car would not hang over the sidewalk.

Sherman asked if such things as wheelchairs would be able to get by and Riggert said yes.

The engineers will make the curb so that cars will not be able to impinge on the sidewalk.

Cole asked if it could be guaranteed that the sidewalk would be accessible and Riggert said that could be a requirement of access and could be a condition of getting a permit. Riggert then presented the curator of the Wylie House, Bonnie Williams, who explained the situation regarding parking on 2nd St. Williams stated the reason for the request was that there is currently no reserved parking for the House and parking during the week is difficult with the student parking.

Swain asked if dedicated spaces could be found on Lincoln.

Williams said that it could be, but that both entrances to the home were on 2nd St. and it seemed the logical choice.

Miller commended Williams on her work at the Wylie House.

Cole said the Christmas By Candlelight and the Wylie

House was just magnificent and encouraged the public to go.

Kiesling noted that the spaces are not reserved for Wylie House, but are simply two hour parking for general use which will hopefully facilitate greater turnover and allow better parking for Wylie House. Riggert listed various instances where this sort of thing had been done for area businesses. He then moved to the next proposal for handicap parking in front of One City Centre. The ordinance that set up the spaces had misprinted the block as the 100 block when it was the 200 block.

Swain underscored Kiesling's point.

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

It was moved and seconded that Resolution 93-18 be introduced and read by the Clerk by title only. Deputy Clerk Shay read the ordinance by title only. It was moved and seconded that Resolution 93-18 be adopted. The synopsis and committee recommendation of 6-0-1 was given.

RESOLUTION 93-18

Chris Spiek, Redevelopment Director, discussed the abatement and specifics of the location of Independent Packaging. He then discussed the abatement schedule. Sherman asked if the Bemis Corporation in Terre Haute had anything to do with this proposal. Spiek said that Bemis had once run this factory but had consolidated in Terre Haute and Independent Packaging had purchased the plant. *s.w.*

Linda Williamson, Economic Development Director, explained the relevance of Bemis and answered the previously unanswered question of what precisely the abatement was for, she stated that it was for equipment purchases only.

Jim Bass, Independent Packaging Plant Manager, spoke in support of the petition and was available for questions.

Sherman said that the appropriate questions had been asked last week and he was convinced it was a good project.

The ordinance received a roll call vote of Ayes:8, Nays:0. (Swain absent from Chamber)

It was moved and seconded that Resolution 93-30 be introduced and read by the Clerk by title only. Deputy Clerk Shay read the ordinance by title only. It was moved and seconded that Resolution 93-30 be adopted. The synopsis and committee recommendation of 4-1-2 was given.

RESOLUTION 93-30

It was moved and seconded that Amendment A which states the period of abatement as ten years be introduced. Service stated her opposition to the project due to its design.

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

Chris Spiek, Redevelopment Director, described the CFC project. He discussed the ten year abatement and the recommendation of the Redevelopment Commission. He then discussed the EDTA. He said the amendment was

necessary because the commission passed the resolution to Council without recommendation. He said that some steps remained, such as EDC approval, as well as a Plan Commission recommendation that would come back to Council in the form of a site plan approval request. Cole asked if there was a limit on the EDTA area and Spiek said the limit was 15% of any city, but that this was an ERA question.

Cole asked if the city was near the 15% limit and Spiek said that they were not.

Cole asked if there was a way to estimate the cost of a project with and without the financial assistance.

Spiek said that the petitioner would be a good person to ask about that but that his assumption was that the cost of the project was basically the same because the owner would pay the taxes, not the developer.

Cole asked if the purpose was to persuade people to buy the houses and Spiek said yes.

Kiesling asked if the abatement was transferred with the title of the property and Spiek said that it was.

Kiesling asked if reassessment would effect the abatement and Spiek said it would affect records at the Auditors and the abatement would go up with the taxes because the abatement is a percentage of the total taxes.

Sherman noted that a reconfirming resolution would be necessary after site plan approval. He then asked is the Council was required to reconfirm if the nature of the project changed and Spiek said that the Council is not bound to a reconfirmation.

Ted Ferguson, representative of petitioner, spoke regarding the petition. He said the tax abatement would be a advantage to the developer, the buyer and all involved. He discussed tree plots and tree treatment, as well as re-assessment. He noted that this project addresses the downtown housing issue. He noted the presence of a neighborhood representative who would support the petition.

Kiesling asked what would happen if the plan was not approved and Ferguson said he did not wish to speculate.

Miller said Ferguson was willing to discuss the plans with anyone regarding the plan.

Swain asked about the picture of a similar development.

Sherman asked if a date had been set for the Plan Commission hearing.

Ferguson said no, but it should be in December.

Cole asked about the sale of the property without tax abatement.

Ferguson said it was simply an incentive.

Cole asked about future taxes.

Ferguson said what they were but was unsure of future assessment.

Cole re-enforced design concerns and she hoped a new plan could be considered.

Pizzo expressed concern about people backing out into Lincoln St.

Hopkins asked about the basis for the reconfirmation.

Spiek said that it is a statutory requirement.

Eric Mitter, Old Northeast Neighborhood Association, stated that the association supports the project and he feels it fits with the Growth Policies Plan and its various goals.

John Langley, adjacent property owner, praised CFC and stated his support for the abatement.

Talisha Coppock, Commission for Downtown Bloomington, stated their support for the petition.

Mayor Allison said such projects were vital to maintaining a viable downtown. She discussed the importance of infill development and the necessity of the city supporting that concept.

Kiesling restated the importance of a downtown. She was worried about the possibility of the Redevelopment Commission denial and wondered about the future of a project if that body rejected the plan.

Spiek said that if the Commission denied a plan that the petition was finished.

Service said she agreed with the Neighborhood Association until she saw the specific plan. She did not disagree with development of the land but disagreed with the specific plan. She also felt the tree was a problem and that the large tree should stay and the development could be designed around it. She also felt the facade and location of the garages was also a problem. She felt the design was a detriment, not an advantage to the neighborhood.

Swain said he would vote for the abatement but feels the process has been reversed. The design should not be the issue, infill and development of the downtown should be the issue. The Plan Commission and the Environmental Commission need to address the plan in its specifics, the Council needs to address the policy. Sherman agreed with Swain. He said the plan would come before the Council again and not to worry. He stated the order was not reversed and did not worry him.

Hopkins said that the Council, by voting for the petition, is sending a message that it backs the Growth Policies Plan, and is sending a message that tax abatement can be used for the public good. However, he said that projects like this do not address a crucial problem of affordable housing, he encouraged CFC to develop more affordable projects because projects like this are entirely out of the price range of working class families.

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

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

LEGISLATION FOR FIRST READING

- ORDINANCE 93-48
- ORDINANCE 93-55
- ORDINANCE 93-68
- ORDINANCE 93-69

Ordinance 93-48 To grant BL/PCD Designation and Outline Plan Approval - Re: 4021 W. 3rd Street (Mark McAlister & James Hammond, Petitioners)

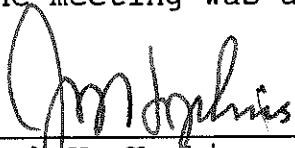
Ordinance 93-55 To Amend Title 9 of the Bloomington Municipal Code, Entitled "Water" (Indiana Utility Regulatory Commission Adjustment of Rates Established in Ordinance 93-40)

Ordinance 93-68 To Amend the 1993 and 1994 Salary Ordinance for Appointed Officers and Employees of the City of Bloomington (Golf Course Manager)

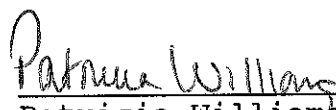
Ordinance 93-69 To Vacate a Public Parcel - Re: An Encroachment on the North Side of the 300 Block of W. 8th Street (City of Bloomington, Petitioner)

There were no comments from the public. The meeting was adjourned at 9:48 P.M.

PUBLIC COMMENTS
ADJOURNMENT



Jack W. Hopkins, President
Bloomington Common Council



Patricia Williams, CLERK
City of Bloomington