

In the Council Chambers of the Municipal Building held on Wednesday, January 15, 1992 with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JANUARY 15, 1992

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

Service gave the agenda summation.

AGENDA SUMMATION

The minutes of January 6, 1992 were approved by a voice vote.

MINUTES FOR
APPROVAL

Sherman wished a belated Happy Birthday to the 1 year old Curbside Recycling Program and congratulated everyone involved in the program. Middle Way House will have a training workshop for volunteers.

MESSAGES FROM
COUNCILMEMBERS

White said that Cable TV has finally come to North Jordan and there will be a reception celebrating the event at the Sigma Alpha Mu house on January 24 at 1 P.M. Also the Wendell Willkie events on campus from February 15-17 will be well worth attending.

Cole gave an Art Center update and an tentative opening for May, 1992. The Near Westside Neighborhood Association is having an EPA representative come to talk about the Fell Metal and Iron cleanup

Kiesling thanked BCAT (TV coverage) for always being here and covering all our meetings so well

Fernandez offered a belated welcome to all the new councilmembers, reminded folks that sidewalk snow removal is property owners responsibility and that our very own Teen Council meets bi-weekly in the Council Chambers.

Miller reminded everyone that Sunday, January 19 is LLOYD OLCOTT DAY in Bloomington and urged everyone to attend the festivities at 4:00 P.M.

Swain announced that the Urban Enterprise Association applications are due January 20.

Hopkins thanked Ted Rhinehart and the Public Works department for the quick, efficient snowfall response.

Service presented the 1991 Council gavel to outgoing president Fernandez and thanked him for his strong and effective leadership. She also announced the upcoming Tree Policy Public Forum on January 21 at 7:30 in the Council Chambers. She also thanked the City Fire Department for their rapid response during the Colestone Square fire last weekend, and that Monday is Martin Luther King Day (City Holiday).

Kiesling talked about the Site Selection Committee regarding the incinerator and Public Hearings Comment Periods for the incinerator.

It was moved and seconded that Ordinance 92-3 be introduced and read by title only. Clerk Williams read the ordinance by title.

LEGISLATION FOR
SECOND READING/
VOTE
ORD 92-3

It was moved and seconded that Ordinance 92-3 be adopted. The synopsis and committee recommendation of 5-0-1 was given.

Chuck Ruckman said this ordinance dealing with second hand dealers was developed by the Controllers Office and Police Dept in order to update the current fee (\$5) and delete the current record keeping procedure. The police chief said that this ordinance is just not used in normal law enforcement activity. The pawn shop regulations are used very much, but not this one. It makes sense to have a list of these kinds of businesses available. Businesses like the Antique Mall would fall under this provision. It is not a public safety issue.

Service said that this ordinance does have a value, and gave as an example a missing item from the museum and that this type of list would be quite useful in tracking that item.

Fernandez still had a lot of questions, what about yard sales? Ruckman said

that this ordinance could be passed or repealed, it is not essential to the survival of the BMC and that there is absolutely no intention to monitor yard sales.

Sherman questioned the actual administration costs with a \$20 fee is well over \$10,000/yr. Ruckman said it is more than the \$5, but he was not sure if the \$20 would be fully used.

Fernandez did not believe that this process was really necessary and thought that it appeared to be more of a method of jacking up fees and collections for something that does not seem to have many benefits.

Kiesling requested that this procedure be reviewed before the budget process and see what the costs truly are and it be reassessed next year

The ordinance received a roll call vote of Ayes:6, Nays: 2(Fernandez, Sherman) Abstain: 1 (Swain).

It was moved and seconded that Ordinance 92-2 be introduced and read by title only. Clerk Williams read the ordinance by title. ORDINANCE 92-2

It was moved and seconded that Ordinance 92-2 be adopted. The synopsis and committee recommendation of 7-0 was given.

Bill Riggert gave an overview of the ordinance, said that he was working on a draft of an utility agreement that will soon be reviewed by the Legal Dept, that a handbook is being put together with the various provisions of the legislation.

Kiesling asked if we were working with the county on a cohesive plan. Riggert said that our information has been shared with the county plan department.

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

It was moved and seconded that Ordinance 92-1 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 92-1

It was moved and seconded that Ordinance 92-1 be adopted. The synopsis and committee recommendation of 2-2-3 was given.

Tim Mueller gave a brief overview of the petitioners request on the 2 ac/RS site across from Tim Henke's earlier development. This is a request for a PUD in the RS zone allowing 14 units in duplex and single unit structures. He reviewed the PUD process. He said when the first section of Henke's development was approved there was concern about the rather substandard condition of Covey Lane in terms of width (18' instead of 24" and no sidewalk) and this one has been structured to minimize access from Covey Lane. The sidewalk to Highland is yet to be built, but will be.

Final details are not required until the final developmental plan stage rather than the outline plan stage we are at, at this time. Mueller said the question was asked if we should do this at this time in the aftermath of our master plan process or if we should first develop a neighborhood enhancement plan for the Miller Drive neighborhood area as recommended the master plan. Some of our older neighborhoods will require special attention in terms of site specific land use recommendations. He discussed some neighborhood concern/remonstrance especially in light of some other Miller Drive rezone petitions that have crept up, namely 4 that are expected to be acted upon by the commission.

Fernandez asked if this was delayed, would the Plan Commission/Dept. pull the upcoming petitions off the agenda. Mueller said yes they would recommend that the commission delay decision until the overall plan could be considered. Mueller said the planning staff did discuss this and decided to

move forward with this request. Fernandez asked if we were adding 4-6 weeks to the process by having meetings and Mueller agreed it would take about that long.

Swain asked why a decision tonight would not establish a precedent regarding the other upcoming proposals. Mueller said a lot of factors are involved in every development decision, such as other nearby land use allowances.

Hopkins said we have to decide what a neighborhood plan should be and it should also depend on what the scope and boundaries of the neighborhood actually are. Mueller said there are different community interests in even this small area and different characteristics. There needs to be appropriate land use agreements and infrastructure needs must be identified. One thing that is currently lacking is a neighborhood association and to embark on a plan process like this would be difficult without a well organized neighborhood structure. Hopkins was concerned that it seems that one is nobody unless they are in a group. Mueller said he did not mean that, just that it is more difficult to get information when there isn't an organized network.

Cole asked when Henke brought the plan to the planning staff and was it ever suggested that he might wait for the neighborhood plan concept and Mueller said no, he was made aware of the recommendation of the master plan and the matter went forward with staff and plan commission.

Sherman said associations can develop quickly when the need is demonstrated. Cole said that homogeneity is not necessarily what we are striving for, but the individual diversity is what makes this area charming.

Mueller said that one reason they would recommend for this is that they were confident that a plan that they were able to prepare would recommend this kind of land use in the Miller Drive area.

Tim Henke said that they have complied with every provision of the master plan and used it to develop their concepts. He was eager for input from all segments of the neighborhood.

Hopkins asked about greater input on these projects and asked Henke about any ideas he had for this. Henke said that the Planning Dept convene the process and perhaps a meeting where Commission, Council, and Planning Dept could sit down and discuss all the relevant issues.

Swain asked if Henke if he would be bound by any of the recommendations or decisions of this committee. Henke said he would be bound to show up with an open mind.

Miller asked about road configurations and Henke said that he wants the best possible route as well as the safest.

Cole asked about a little house on Henke's land and Henke said that it was built as a garage and it was turned into a house. She thought it should be preserved. She also asked about a playground in the original area. He said that part of it had been completed. Cole said the play equipment of Montesorri and BDLC are fenced and not accessible to the general neighborhood. Henke said that occupants of the current buildings do not have minors.

Terry Stoltz, a Pinestone resident, spoke in favor of the project, remembering what the area was like before all the changes and improvements.

Tom Morrison, an area resident, was not in favor of the PUD that does away with the regular zoning requirements and said this area will continue to develop, that it might take longer for SF to be developed, but it will develop as single family.

Eric Stolberg supported the proposal and said that it is compatible with the area and how attractive and marketable the duplex concept is and he cited several other subdivisions in Bloomington that are duplex and very successful.

LuAnn Kaner said that she has talked with many people in the area and that she can speak for many of them. She thanked the councilmembers who did come out and talk with them in their neighborhood. The master plan clearly specifies that neighborhood be involved in plans for their areas. She expressed concern about increased land values in her area and how that would affect the ability of average people to buy land. If more and more is zoned multifamily then there will be the tendency for more and more higher density. If it is left alone, it has a better chance to develop as single family.

Ken Craig talked for 30 minutes and the exact details are on Tape2/Side 2. He talked at length about clean up of the area over the years, his concern about the higher density being proposed, the inflated property values in the area, the need for a neighborhood plan, spot zoning is really the problem.

Sherman wondered about the value of having a neighborhood plan if the only thing that Craig wants is RS. It already is RS so what is the point of meeting to plan if no one will accept any changes in what can take place.

Craig said that if this passes there will be two low income projects right next to each other, that they were not opposed to the project that time, but now they might be opposed because if there are two right next together it starts to bring problems and it's not good for the community.

Jeanne Walters said that all the opportunities for public comment have not been quite what has been presented, they found out about the Plan Commission meeting on the night they were meeting, the Plan staff was recommending waiving the second hearing, no signage, no newspaper coverage and they asked that the process be allowed to work as it is supposed to. Sometimes the process works, sometimes it doesn't. Henke has not made any effort to contact neighbors about this plan. She asked that the petition be tabled until a plan can be developed and to look at the merits of this plan and not the personality of the developer.

Miller said that in the mid 70s hundreds of thousands of dollars were put into the Miller Drive area, people attended those CDBG meetings and it was obvious that the improvements were made for future development. Walters said that Pat Patterson, former Redevelopment Director said the city intended to improve the area, to tear down some of the worse houses and to hold the line against deterioration. She said it is prime development land and does not want it to be a hodge podge and the most favorite neighborhoods in town are where there are small houses and big houses next to each other.

Michael Cullers thought the proposed density was horrendous and was offended that last year social service providers came down to talk about that rezoning request and that wasn't fair. Over the years, Redevelopment has come in, purchased property, tore the houses down and resold many of the lots are taking property owners out and putting renters in.

Tim Mueller in response to comments the Plan Commission does have to approve the developmental plan after the council approval process has taken place, the staff recommended a waiver of second hearing only if there was no neighborhood concern then they had no objection to going forward with only one hearing, that the Miller Drive area is way ahead of thinking on infrastructure requirements, a broader representation of neighborhood concerns would be helpful, rather than only people who come forward in opposition to a project, and it is important that consistent consideration be given to projects rather than the developer.

Fernandez said there have been numerous area plans before the master plan process. Now that we have the comprehensive master plan we are back to the smaller area plan concept request. This is going to take a lot more staff if

smaller plans have to be developed for every neighborhood. Mueller said the areas are redevelopment type of areas and it was difficult in the master plan process to address these specialized areas.

Sherman said his initial inclination toward this petition was more of the same old thing, he went out there, talked to people and decided that the proposal is compatible with the area and an improvement for the neighborhood.

Swain proposed a committee of Henke, his engineer, a planning staff person, one or two councilmembers and neighborhood residents to discuss roads, access and development for the area.

Cole said it would be a win/win situation if the ordinance was tabled until a neighborhood plan was in place. She thought a chart showing rental/owner occupied properties would be helpful in determining the balance and this is what a neighborhood plan could also do for us. It is not the cities job to get neighborhood associations together, it is the responsibility of the neighbors who live there and who want to share their opinions.

Kiesling asked Mueller if he would do a plan for the area and he said he would do so. She said she would have a problem supporting future rezoning requests if it is not done.

Service also agreed with the area plan in general but that it is inappropriate to impose it on this development since this plan complies so closely with the master plan.

Hopkins said the great diversity of the area is a desirable quality to maintain and should be viewed on its own merit, take the developer at his word and not look on this project as a precedent that will bind us forever.

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

There was no legislation for first reading.

NO FIRST READINGS

Linda Greene welcomed new councilmembers talked about the PCB cleanup and hoped there would be a new era of cooperation with people concerned about hazardous waste contamination. She asked the council to consider a binding resolution in opposition to the incinerator.

PRIVLEDGE OF THE FLOOR

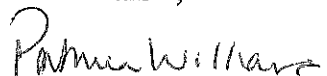
The meeting was adjourned at 11:10 P.M.

ADJOURNMENT

APPROVE;

ATTEST;





Pam Service, President

Patricia Williams, CLERK

Bloomington Common Council

City of Bloomington