

In the Council Chambers of the Municipal Building held on Wednesday, May 6, 1992 at 7:30 P.M. with Council President Service presiding over a Regular Session of the Common Council.

Common Council
Regular Session
May 6, 1992

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

Roll Call

Service gave the agenda summation.

Agenda Summation

The minutes of April 15, 1992 were approved by a voice vote.

Approval of Minutes

Fernandez commented on recent violence in our communities and the growing lack of understanding between people and wondered what are we doing to make things better for all our citizens nationwide as well as here.

Messages From
Councilmembers

Kiesling announced the Parks and Recreation Master Plan meetings and the need for input from citizens, that Goodwill is collecting clothing on regular trash collection days in conjunction with spring clean-up in scheduled neighborhoods.

Cole said the Waldron Arts Center will have a fundraiser on Friday along with a silent auction to support the facility.

Service said the Museum currently has a show depicting Bloomington's downtown and near downtown residential areas in the 1930 as well as what is on the current sites.

Allison also commented on the wonderful progress of the Arts Center. She too agreed with Fernandez's remarks and commented about the problem of a loss of a sense of community and how we have tried to work on that particular concept.

Message From Mayor

She then gave a proclamation to the City Clerk in great celebration of Municipal Clerk's Week.

The Mayor also presented a proclamation to Mike Gavin and Barbara Wood, members of the Bicycle Commission, in honor of National Bike Month and thanked them for a job well done. Gavin announced that May 19 is Bike to Work day and that wonderful bike tours would be organized for those hardy enough to prevail.

Kiesling said the Citizens Information Committee would be meeting next week. There will be a public hearing on June 1 at the Courthouse regarding solid waste management in Monroe County.

Committee Report

Service said the Tree Committee is continuing to meet and there will eventually be a tree ordinance.

Cole said the Strategic Plan for Education in Monroe County has received various results of different grade level evaluations.

It was moved and seconded that Resolution 92-8 be introduced and read by title only by the Clerk. Clerk Williams read the resolution.

Legislation For
Second Reading
Res. 92-08

It was moved and seconded that Resolution 92-8 be adopted. The synopsis and committee recommendation of 7-0 was given. Cole, the sponsor of the resolution read it in its entirety.

Cole thanked various people for their input and support, Lee Nading, Jack Hopkins and Dan Sherman. She also asked that it be sent to our congressional delegation and the US President.

Sara Hodgdon, a member of the Student Environmental Action Group spoke in favor of the resolution

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

It was moved and seconded that Ordinance 92-5 be introduced and read by title only. Clerk Williams read the ordinance by title.

Ord 92-05

It was moved and seconded that Ordinance 92-5 be adopted. The synopsis and committee recommendation of 7-0 was given.

Fernandez, as sponsor of this legislation, said that this fills a gap in our Code dealing with ground floor windows and persons in garden level apartments who were concerned about the lack of locks/latches. This ordinance has received the approval of the Housing Quality Appeals Board as well as the Apartment Association.

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

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

App. Ord. 92-2

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

Chuck Ruckman amended the figures of the ordinance in order to more accurately reflect the anticipated need. He said all of it might not be necessary, but this is just to be on the safe side.

Swain asked about the pumper replacements and Fleener said we were replacing our No. 3 Firetruck and it would cost about \$160,000. The cost of these units goes up about 1% a month. This truck will have an enclosed cab for the firefighters (new regulation)

Service asked about the money for land and Fleener said they would like to set that money aside for future allocations as a piece of land became available.

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

Chris Spiek was available for questions regarding the housing portion of the ordinance.

Fernandez asked about the organizational structure pertaining to the land and Spiek said Housing Solutions would perform that function, the homeowners would own their own home and Housing Solutions would hold that land in trust and homeowners are required to "buy into" the resale formula which later controls the resale value of the house. The homeowner is allowed an equity return off any improvements they make to the house.

Hopkins asked about price range and Spiek said between \$40-50,000 with a conventional 30 year mortgage. The Home Fund Grant will purchase land and make the necessary infrastructure and lot improvements and the structure itself.

Cole asked when the house is paid for will the residents continue to make monthly payments on the land. Spiek said yes because the land remains with the trust.

Swain asked if there would be a "cap" on what the gain would be when selling the house. Spiek said all the details have not been worked out, there are several programs available that procedures will be modeled after. Swain asked for copies of some of the models that will be used.

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

It was moved and seconded that Ordinance 92-6 be introduced and read by title only. Clerk Williams read the ordinance by title only.

Ord. 92-06

It was moved and seconded that Ordinance 92-6 be adopted.

It was moved and seconded that Ordinance 92-6 be removed from the table by a roll call vote of Ayes:6, Nays:1 (Swain)

The synopsis and committee recommendation of 4/8/92 of 3-2-2 and 4/15/92 to table by a vote of 6-1.

Service said that it has been suggested that this ordinance be ultimately tabled again this evening for a vote on May 20 so that we have something that might be more universally supported. It will be discussed because so many people are here this evening to speak to it. It was also determined that the regular Council Committee of the Whole would be cancelled next week and a Roundtable discussion with the entire council take place. It would be publicly advertised as a workshop, the public could attend/observe but not participate at this time.

Tom Blumenthal, an Elm Heights resident, said it was a bad plan and urged the council to vote it down. He asked about the whole area to be eventually considered, will the entire downtown become off limits except to residents because it will take the overflow from the off limits area; he asked about how many officers will be necessary to patrol and will those officers be paid from parking fines? How many tickets will be necessary to pay for this and how much bad will this create. It is unfair, it is a monster. He made several suggestions about IU shuttle buses and parking garages being necessary to handle the parking if needed and said IU will not have the money for this and he did not want to see the city take away valuable parking space.

Jeff Leising, OCSU also asked the council not to postpone this ordinance but to vote it down. This ordinance does not have a sense of community, but one of "these are my streets and keep off" and this is an attempt to create a suburban atmosphere in the middle of the city. Some provisions need to be made for the overflow of parking and alternative transportation and bike paths need to be considered. It should be decided in a "supply side" manner.

Ted Rhineheart gave a brief overview and referred to a memo dealing with staff encouragement for passage, with some amendments, and stated that the concept in general is necessary after several years of neighborhood requests. He thought that this was one of those issues that you don't throw the baby out with the bathwater just because there is difficulty in structuring the regulations. The recent university task force came forth with some very constructive suggestions and it will be a combination of proposals that will ultimately work. Until this problem is regulated there will not be a use for alternative forms of transportation. He said his goal is to accommodate the residents of the area with a carefully administered rational program. It is not anti anyone, but is anti convenient cheap transportation and it does attempt to make some rational land use proposals that are part of the growth policy plan recommendations.

Fernandez said one of the concerns that keeps coming up is, what's next ? There has been no discussion of Phase 2 in a comprehensive way or the cost issue and if we are on the right path.

Rhineheart said it would be difficult to have a timetable at this time because we don't know what obstacles we will encounter. We can expand quickly if the first phase is successful. He also said that the same clerical assistance for one phase will be sufficient for several phases. We just don't know what the balance will be at this time.

Hopkins asked what would happen if compliance was so good and people quit parking there, what would happen. Rhineheart said if compliance was so high we could then rely on routine random police patrols. Ted said there is no way we can avoid selling more permits than there are actual parking spaces. This program depends on people using their off street parking as well.

Miller said that it was mentioned in the memo that this was a 3 month trial

period, so it gets set up, started and not working; will people then get their money back. Rhineheart said that would be an option, but he was confident that whatever the problem might be, it could be worked out.

Swain asked what kind of documentation would be required for appeals. Rhineheart used a family with 5 cars and no off street parking as an example as someone needing more permits.

Kiesling wanted a map as well as the master plan for this particular program.

George Smerk said that his responsibilities are enforcement, finding additional parking spaces, traffic control, new buses, signalization, bike routes and the shuttle bus service as part of the task force. The university has no particular position on whether we pass this ordinance or don't pass it. They are currently trying to get a handle on what is available in buses that are ADA approved.

Miller asked Smerk if he had any specific time frames in terms of finding money or getting answers. He said he hoped to have some of this stuff done by Sept. 1. The faculty council doesn't meet until fall to make some of these decisions. A lot of groundwork has to be laid and it is a process of building "political support" for the plan. And the process is complicated because they too have to operate within ADA guidelines and that will be expensive.

Fernandez asked if this type of permit process would help in building support for the funding, but at the same time adopting this does not guarantee that there will be a shuttle system in the near future. Smerk said there is every reasonable effort made to provide not only on the part of IU but also Bloomington Transit. Fernandez asked how big of a shift is necessary to make a shuttle work. Smerk said a transportation fee would not require large shifts in the current program. This ordinance provides one more good reason to leave your car at some distance. Fernandez asked about a program with fewer available spaces. Smerk wasn't sure, it would be a small step but not much more.

Pat Williams asked if the ordinance were voted down would the university still pursue the shuttle options and other transportation options that are being talked about now. Smerk said there is no point in offering a shuttle service if the parking is not cut off, there is every reason to improve transportation but not necessarily the shuttle.

Dave Gionet, Director of Bloomington Transit noted that consensus is difficult on this issue and they are willing to lend whatever support and expertise they can to make this work.

Kent McDaniel, a member of the PTC also pledged to help in any way possible.

John Burnham said he was not in favor of the ordinance, said there are many open spaces on east-west streets after 5 p.m, there are over 600 structures in the zone and he said he owned 5 properties in the zone and was never contacted by anyone about this ordinance. A lot of people who live in the zone expect the parking problems during the day and are not particularly bothered by it. He asked if the problem was as extensive in the summer as it is during the rest of the year.

Norm Furniss, a S. Jordan resident, was in favor of the ordinance, expressed safety concerns and thought that neighborhoods should have some responsibility for traffic control management and that is more important than who has a particular right to something.

Mary Cox Barclay, a Jefferson St. Green Acres resident was not sure if she was in favor of the ordinance or was in favor of the city just doing something and said there is a major problem with storage parking.

Mike Price asked if there has been some assessment of the number of vehicles that will be displaced by this ordinance.

Ted Rhineheart said we do know how many residences and spaces there are, but we do not know the exact number of off street spaces that are available. Price thought that people who park their cars there should be queried.

Aaron Furniss said that there is a 10 year old child in the neighborhood that cannot safely leave her driveway.

Liam Loudney (sp) said he was studying the IU budget and questioned how the university could deal with parking space and buses when it is not currently in their budget.

Herb Marx supported the ordinance and said need to begin now.

Pete Dunn asked the council to postpone the decision/vote for 180 days, that he was working on a plan that he is not at liberty to say with whom, but information is being gathered to solve this problem. This is moving too fast.

Tonia Matthews, an Elm Heights resident, said she was not altogether satisfied with the entire ordinance, but clearly something has to be done about the problem.

David Grosshoff (sp) asked that this proposal be defeated.

Andrea Bean, President of OCSU asked that it be defeated, said that IU cannot respond immediately and wondered how it would be funded if monies went into the alternative transportation fund. She had numerous comments about permits and process. She also addressed the problems with dealing with the IU bureaucracy and the fact that it moves slowly and you can't always count on the university to look out for the best interests for the students on things like this and they have to rely on the city for things like this.

Bill Roush, Elm Heights resident said this is a question of safety and transportation and is not anti student. This entire neighborhood is made up of people whose entire livelihood is dependent on students.

Mayor Allison said this is a question of environmental concerns, traffic safety and problems and never being able to fill the need of students and cars and getting to class. As congestion gets worse, it gets more dangerous. The current system is not working for anyone.

Barbara Wolf said that there have been 3 neighborhood association meeting that are publicized by flyers. She commented on safety, trash and access to homes by service vehicles as being major problems for resident of the area. The problem will not go away, it will only get worse.

Rosalie Roush showed a picture of cars parked illegally despite signage to the contrary and she urged passage of the ordinance to provide safer streets and intersections.

Kiesling thanked Smerk for his input as well as everyone who came this evening and she hoped he would also consider the needs of IU staff parking as

the university discusses this issue.

Fernandez agreed that many of these issues needed to be dealt with particularly safety and transportation. There have been disagreements about the best way to deal with all of this but the council does agree that we do need to take action, even tho we are not in agreement as to what the action should be, but we do not intend to kill a proposal and walk away from a problem.

Neighborhoods must have responsibility and input regarding their concerns. Swain thought the council would move on this more quickly if IU would give a definite expression that they would be moved to action and this would not have been necessary if the university had moved to action already. He wanted to vote on this tonight with several amendments added. The exact same arguments, couched in different terms have been heard three times and he did not believe that we would improve or change the ordinance by waiting and discussing this next week.

Service supported the roundtable discussion and the need to work in tandem with the university.

Cole wanted to do whatever is necessary to get this passed. We are not meeting the needs. It is our job to provide more safety for the neighborhoods in this community and it just happens to be Elm Heights this time. It is a positive step and we should not be tentative about it, if there are flaws in it we can fix it later on. Cars do not have a sovereignty in communities, there are lots of places cars can't go. This is a good thing for the community and a lot of good work has gone into it. She said this is not anti student and in a lot of ways it is for the students and if students are concerned about IU listening to them, they need to get out there and talk more to IU and get the university to meet their needs.

Kiesling moved and it was seconded that we have a work session next week and that the ordinance be postponed until May 20.

Swain was not in favor of the postponement and thought it could be hammered out tonight. He was concerned that we would appear to be trying to slip one by the students by delaying it tonight

Hopkins said we've been talking about this since 1966 and one more week is not going to be a problem and we need the time and opportunity to sit down and really work it out. We've been trying and it just hasn't worked.

Fernandez said that simple amendments are not always as simple as they seem and just can't be put together quickly. There are students here and they will provide input.

The motion to hold a publicly advertised work session and postpone the ordinance vote until May 20, 1992 was approved by a roll call vote of Ayes:6, Nays:1.(Swain)

Legislation For
First Reading

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

Ordinance 92-10 To Amend the 1992 Salary Ordinance for Appointed Officers and Employees of the City of Bloomington..

Ord. 92-10

The meeting was adjourned at 10:45 P.M.

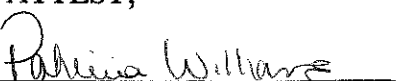
There was no public input.

APPROVE;



Pam Service, President
Bloomington Common Council

ATTEST;



Patricia Williams, CLERK
City of Bloomington