

In the Council Chambers of the Municipal Building held on Wednesday, February 6, 1991 at 7:30 P.M. with Council President Fernandez presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
FEBRUARY 6, 1991

Roll Call: House, Foley, Kiesling, Olcott, Fernandez, Register, White, Service, Hogan.

ROLL CALL

A change in the meeting order was moved, seconded and approved by a voice vote to allow the mayor to proceed with the State of the City speech. A copy of that speech is attached to the original copy of the approved minutes.

STATE OF THE CITY
ADDRESS

The agenda summation was given by President Fernandez.

AGENDA SUMMATION

The minutes of January 16, 1991 were approved by a voice vote with the addition of traffic count figures by the Traffic Commission at Grimes and Henderson.

APPROVAL OF MINUTES

Service urged the public to apply for the various board and commission vacancies.

MESSAGES FROM
COUNCILMEMBERS

White commented on the ice and snow on the city streets and the many times that the city streets are in worse shape than the county roads. He noted that on Sunday, January 27 he went up to Blue Ridge to check on some constituent complaints about the roads and as he was coming back to town along Dunn Street he ran into the curb and sidewalk and did about \$800 damage to his car. He hopes that we can study how we do snow removal, perhaps larger trucks with larger blades. We need to look for more innovative answers in the future. It may require more capital outlay and that may be necessary to get the job done.

Kiesling reminded people to check the instructions inside the red containers pertaining to item separation and when the actual pick-up day is for that particular route. *(Regarding their recycling route)*

Foley commended the Mayor for her address this evening and announced the public hearing on February 13, 1991 from 3-7 P.M. at the American Legion to discuss the east-west corridor plans. House said that people in his district are very concerned about the fact the Mayor's campaign manager is being paid by the taxpayers, his office space is being provided by the taxpayers, his telephone is also being provided by the taxpayers and in a political campaign, the taxpayers out there are irate that they are paying for your campaign support.

The Mayor responded that Mike Davis does not work on city time on her campaign, does not use city stationary or telephones, and it is all after hours, campaign meetings are on Saturday at her home. When he is on city time, he does city work, he does not do campaign work on city time, however, the Mayor added that doing a good job on city time is the best campaign.

It was moved, seconded and approved by a voice vote that Jim Register be appointed to the Commission for Bloomington Downtown. Service, whom he replaces, wished him well at the early morning meetings of this particular committee meeting.

COMMISSION FOR
BLOOMINGTON DOWN-
TOWN APPOINTMENT

It was moved and seconded that Resolution 91-4 be introduced and read by title only by the Clerk.

LEGISLATION FOR
SECOND READING/VOTE

Clerk Williams read the resolution by title.
It was moved and seconded that Resolution 91-4 be adopted. White gave the synopsis and committee recommendation of 8-0.

ORDINANCE 91-6

Jim Lang said that the Monroe County Council has approved the budget so that money is not a problem for the county this year.

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

It was moved and seconded that Resolution 91-5 be introduced and read by title only. Clerk Williams read the resolution.
It was moved and seconded that Resolution 91-5 be adopted. White gave the synopsis and committee recommendation of 8-0.

RESOLUTION 91-5

Glenda Morrison said that this resolution is the outgrowth of one of the Child Care Advisory Council proposals and that we change the rules of the Industrial Incentive Loan Program which was created in 1986. The change would allow any existing business acting as a group, individually or as a consortium to apply for a loan to buy, build or renovate a building for use as child care facility. We have had several inquiries about the program.

Morrison said that there is about \$200,000 in the fund at the present time and there is one outstanding loan that we have not closed on and one commitment that we have made. One loan has been paid back and the other two that we have out are in the process of being paid back so this is in fact beginning to act as a revolving loan fund with money coming in and going out.

Fernandez spoke in support of the resolution and Service hoped that we, as a municipal employer would also consider working parents needs with our own program to address those needs.

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

It was moved and seconded that Resolution 91-6 be introduced and read by title only. Clerk Williams read the resolution by title.

RESOLUTION 91-6

It was moved and seconded that Resolution 91-6 be adopted. The synopsis and committee recommendation of 8-0 was given.

Glenda Morrison asked for the council's support for this resolution stating that we are working with the Enterprise Foundation from Baltimore, MD. We have received the \$2,500 matching grant from Housing Solutions through the Episcopal Dioceses of Indianapolis.

Morrison read the text of two amendments to this resolution suggesting the term affordable housing instead of low income housing and to add that the grant is from the Episcopal Diocese of Indianapolis.

It was moved and seconded that the amendment as Morrison stated it be approved.

Fernandez said he appreciated the spirit of part one of the amendment but we ought not kid ourselves about the need in the community for low income housing. Additional affordable housing sounds nice but it is just trying to sugar coat a real problem. Affordable housing is not the same for some of the folks in the lower income,

affordable housing for someone who lives in Hyde Park is not the problem. Foley, as the sponsor of the amendment said it was not offered as sugar coating, but offered in the reality of people that are part of his constituency and low income housing is as it says and it denigrates people who are labeled as that and certainly is in that spirit of what we are trying to accomplish here and that is affordable housing, not low-income housing when we don't have high-income housing for rich people anymore than we have low-income housing for the poor people.

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

The resolution, as amended, received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Ordinance 91-7 be introduced and read by title only. Clerk Williams read the ordinance by title. ORDINANCE 91-7

It was moved and seconded that Ordinance 91-7 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

Craig Berndt, from the Planning Department discussed the tract of land for which the rezone is requested on the west side of North Kinser Pike. This is a 3 acre tract in basically two distinct parts. He noted the conditions of approval that are attached to the approved ordinance.

Kiesling asked about sidewalks. Craig said they would be required. Kiesling also asked about Utility Department approval and whether they have the ability to put utilities in there. He said it was one of the conditions of approval, but could not answer any other question. Regarding the 50' right-of-way, does it allow for the expansion of Kinser Pike if it is ever necessary. Craig said the setbacks are adequate to allow that type of widening of Kinser Pike. if it becomes necessary. She also asked about new erosion controls and if they will be under consideration. Berndt said yes. White asked if it was in the city limits. After looking at the map it was determined that it is not within the city limits.

Regarding lighting, White said that even tho the property is not in the city, one of the first questions that will come up will be lighting. Berndt said that question could be clarified at the development plan stage.

Olcott asked about the two negative votes from members of the Plan Commission and what they were about. No one remembered.

Frank VanLandingham said that one planning level question pertained to converting the existing house to three apartments and he agreed to reside that structure to make it look more like the existing structure.

Service remembered one of the negative votes and it was the reuse of the old house plus the new construction would look too "hodge-podgy". Fernandez asked VanLandingham about the lighting and he did not remember anything.

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

It was moved and seconded that Ordinance 91-6 be ORDINANCE 91-6

introduced and read by title only. Clerk Williams read the ordinance by title. It was moved and seconded that Ordinance 91-6 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

Craig Berndt explained the plan for the tract and the conditions for approval that are attached to the ordinance.

Kiesling asked about water pressure in the area, particularly in the east end of Hoosier Acres, that hooks up to somewhere on Third Street rather than at the hook-up near K-Mart and if this has been reviewed or addressed. Craig did not remember if that had been addressed at earlier meetings. Kiesling said it has come up before with different petitioners.

Fran Moore asked about the cafe being included in the plan and said she did not remember that being discussed. Berndt said that it was discussed at the last meeting and read the condition of approval voted on by the Plan Commission. It is an accessory to the shops in the area and because of traffic concerns on Smith Rd. it was limited to 3,000 sq.ft.

Jeff Fanyo, representing the petitioner, said there are three developers ready to go, with the primary plan for office space, however the developer needed the ability to provide other services to professional offices within the BL zone but secondary to the business office base. The cafe would cater to the offices and therefore is secondary to the development.

Kiesling asked Fanyo if the water pressure discussion came up. Fanyo said the intensity of use is no different that what was approved and therefore it did not come up but he anticipated extending a line to 3rd St that would tie into Hoosier Acres and that should improve the situation. Kiesling said it was suggested that when the improvements were made at 3rd and Smith there would be a tap-in at that point and it would be brought down Smith Road to boost up the pressure.

Hogan said he was glad to see the area getting developed in a different fashion than everyone saw four years ago. It's a good plan and well put together to buffer the surrounding neighborhoods and it isn't another major shopping center or a bunch of outlots.

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

It was moved and seconded that the following ordinances be introduced and read by title only by the Clerk for first reading before the Bloomington Common Council.	LEGISLATION FOR FIRST READING
<u>Ordinance 91-8</u> An Ordinance Pledging the City's Distributive Share of the Monroe County Option Income Tax to Pay Lease Rentals.	ORDINANCE 91-8
<u>Ordinance 91-9</u> An Ordinance to Amend Title 27 of the BMC Entitled "Construction Regulations".	ORDINANCE 91-9
<u>Ordinance 91-10</u> An Ordinance to Amend the Zoning Maps to Designate PUD and to Grant Outline Plan Approval re: Property Located South of Hyde Park Sec.12 and West of Hyde Park Section 10 (Ken Blackwell, Petitioner).	ORDINANCE 91-10
<u>Ordinance 91-11</u> An Ordinance to Vacate a Public Parcel re: Portion of W. 9th Street West of Spring	ORDINANCE 91-11

Street and Oak Street Between W. 8th and W. 9th Streets (Tim J. Henke, Petitioner).

PETITIONS FROM THE PUBLIC

Hal Pepinsky talked about the possibility of Bloomington becoming a sanctuary, the issue of free speech and inquiry on World War III and our need to be informed and make informed decisions about what is happening in our world. He provided the council with information about Phil Age, a former CIA agent who is talking to groups all over the country. Regarding sanctuary, he said that people are being sent to the Persian Gulf against their will and gave numerous examples of violations today. If the war lasts as long as three months, it will cost \$86 billion dollars and he wondered how in the world we would pay for it.

Service said we have copies of Madison and San Francisco sanctuary legislation and there are real and serious questions about enforcing it with the City defying federal laws and wondered if we might be endangering the very people we are trying to protect.

Brian Pence expressed concern about the I.U. Power Plant and the proposed budget that is going through our legislature that has no improvements for this facility to switch from coal to gas to fuel all the burners. It is critical to get make this change to eliminate the emissions from the plant.

White said that the proposed budget would be disaster to the entire state and Bloomington economy. There is talk of a 10% increase in tuition. Capital improvements are just a tip of the iceberg.

Now is the time to send a message to our legislatures. We cannot allow the annual reductions in university budgets.

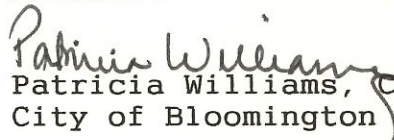
The meeting was adjourned at 9:30 P.M.

ADJOURNMENT

APPROVE:


John Fernandez, President
Bloomington ~~Common~~ Council

ATTEST: ,


Patricia Williams, CLERK
City of Bloomington