

In the Council Chambers of the Municipal Building held on Wednesday, April 17, 1991 at 7:40 P.M. with Council President Fernandez presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
APRIL 17, 1991

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

ROLL CALL

Fernandez gave the agenda summation.

AGENDA SUMMATION

The minutes of March 20, 1991 were approved by a voice vote.

APPROVAL OF
MINUTES

FOLEY: I just want to thank all of the people, radio stations, and particularly so many of the fraternities and sororities that assisted in the MDA hospital bed race that they had on Kirkwood. I was a starter and a number of my friends were judges. Not being a Greek, I really came to appreciate how much they do do in this community. I also want to issue a disclaimer. For being an official starter I got six tickets to the Pacers for this Friday night's game with the New York Knicks. I gave two of them to Professor Clint Strong and I know Clint you're looking out there and you're feeling really guilty, so I'm issuing this disclaimer on your behalf.

MESSAGES FROM
COUNCILMEMBERS

KIESLING: I have a couple of things. One, I would like to thank the Herald Times for promoting the recycling, reuse, reduce, and etc. for trash and having the big recycle ad in today. I think Jane is going to have lots of calls. I know that the paper's been moving toward using recycled materials in their product. So I was pleased to see that they are moving closer to that day. We appreciate that. Also I want to thank the HT again for putting together this Parents and Kids. It's something we've talked about for quite a while and I think its a very good supplement and I understand there has been a lot of call for it. At least Denise Koceja says that that has been the case. Also, I want to remind people that there is a Week of the Young Child, an event over at Stonebelt Center. Actually, this is at the University facility on Saturday, April 27 and there's all kinds of neat activities going on. I would like to encourage people to come and there will people having things available for young people as well as for the older people or the young at heart, I maybe should say. I do want to make comment. At the moment the Telecommunications Council is meeting. They had planned to meet today in the Conference Room here because they were going to discuss the questions that the company was going to ask in their survey. As a consequence of all the things that have happened and the fact that the company had decided to do the survey two weeks ago, we have a crowed room. And I'm sorry to say that to those folks that we have an empty room. But I do feel very strongly that I think our public is not being served and I think they could be a little bit more appreciative of the fact that we could have a little bit of input into what our choices are. We need to look at who is our Indiana licensed channels.

OLCOTT: I have none except that Bloomington and Monroe County is beautiful at this time of year. I've never seen a Spring prettier and that's why we live in Bloomington.

WHITE: I want to report that in preparation for Little 500 weekend, which is this weekend, we convened the Student Advisory Board that has been meeting regularly

with the Mayor and me and Mike Davis since 1988. And one of our main agenda items was to discuss preparation for Little 500 and the kinds of things that the campus would be doing and the City would be doing to ensure a safe weekend for everyone. Police Chief Steve Sharp was able to join us and he reviewed what the Police Department will be doing to try to maintain the peace and safety of everyone. It's going to be an intense weekend as it usually is. Unfortunately, I think that some of our problems, if not most of them, come from visitors from outside the community who really have no interest in making sure that things stay safe and property is not destroyed in Bloomington. We anticipate some of the same problems we had last year, so we're planning for those. But the positive side is that the major student leaders on the Bloomington campus understand those kinds of concerns and will work with us to try to maintain a safe atmosphere. Another group that needs to be recognized for their extra efforts is the apartment owners and property owners, particularly in the North Dunn Street corridor who have agreed to privately employ security people to go above and beyond what the City can't afford to do for the weekend. I appreciate their extra efforts to do those kinds of things as well. Our police department will be in full force. All vacations and leaves and those types of things have been canceled. And it's going to be a long weekend for the Police Department. And I want to thank them in advance for the extra hours that they're going to put in and the patience that they are going to have to exhibit during the events. I think that we can reflect back on when the race first began and realize that the race has come a long way and all the revelation has too. And I think that maybe some of that has gotten a little out of control and I hope that we can all work in a concentrated effort to make sure that we try to maintain control and law and order this weekend so that the race is not tarnished and so that we can continue to have the race and those questions are not raised again. So I appreciate those kinds of things. Second, as we know a lot of the troops from Operation Desert Storm are returning, not just to our country, to the mainland, but they're coming back to our community as well. Bloomington and Monroe County are working on ways to recognize the efforts of our veterans that served over there. One of the events that we're starting to plan: the Operation Desert Cheer people, who are the parents and family members, are working on a special observance on Armed Forces Day, which is May the 18th, as well as the Stand Up for America group which is doing the same thing. So I urge people to mark that time out for a big rally to welcome some of those troops home on May the 18th and of course plans are moving ahead for our big Fourth of July parade with an extra special theme and fireworks display this year. So we're on our way and I imagine we're going to see a little bit more yellow decorations as those things draw near, hopefully in a tasteful manner, to show that our city government and our county government support what our troops had to go through and do over there.

HOGAN: First off, I do have a little bit of a presentation I would like to make and I would like to thank the Council for indulging me for a few minutes. As all of you know, and the public knows, or some of the public know, I am a small business owner on South Walnut Street, so I am wearing a private hat tonight and a public hat. And I want to give this presentation

for a public appeal for some help or for an understanding of what's going on. I'll try to make this to the point and I'd be willing to answer any questions anybody has about what I've done. This country has thrived upon individual creativity and initiative for two hundred years. We are known for our productivity and our ingenuity, our ability to get things done. We have a system of private enterprise, for-profit motive, that enables those who are willing to produce to directly benefit from their production. We have valued private property rights, we've encouraged free enterprise. Sayings like "Where there's a will, there's a way" are a real part of American folklore. We have amazed the world with our ability to produce and create when others said it couldn't be done. During World War II we were able to mobilize, create, and produce. They said it couldn't be done. I would like to discuss South Walnut Street's situation with the Common Council and with the administration of Bloomington. As a business owner on South Walnut Street, along with 72 other businesses who have been impacted, I took a good faith attitude when I was told that South Walnut Street would be closed to northbound traffic beginning January 1. I suppose it was foolishness to assume that anyone was concerned about my business but me, but in our Christian world we have a tendency to give people the benefit of the doubt. Everyone recognizes the need for improvements on South Walnut Street. Every business there recognizes that the public and the businesses are going to be inconvenienced during the construction. That's not the problem. We are all willing to make the sacrifices necessary for the general good of our community. It's necessary. With 20-20 hindsight, it is becoming more and more apparent that our good faith was foolishness. The City of Bloomington appears to be operating from the seat of its pants and operating out of cash flow, trying to do its part as cheaply as possible. They don't seem to have a satisfactory plan and I'm not sure they ever have had a plan when you survey what's going on. They have never considered the option of maintaining two-way traffic from the very beginning. A part of the private bids that will be let in July is the insistence upon maintaining two-way traffic during the entire time of construction. If a private contractor can do it, why can't the City of Bloomington? With a little creativity, and the will to get the job done, the road would never have had to have been closed in the first place. To give the City the benefit of the doubt, let's begin with my comments to the Council one month ago this evening. At that time Mayor Allison and Bill Riggert said that the City was only waiting on the phone company and Indiana Gas to complete their work and the road would be opened. I specifically requested that they consider opening at four o'clock, when the workmen left for the day and opening on weekends. These hours would have been invaluable to the retailers there. Two weeks ago, when the phone company was finished, and Indiana Gas had not begun, on a Friday evening I met with Bill Riggert, and Steve Sharp, and the gas company, at the railroad crossing, and asked that the road be opened for the weekend. The next Thursday, approximately 20 business owners and I met with the Mayor, Bill Riggert, Ted Rhinehart, Steve Sharp and others, including the gas company, to beg that the road be opened again and that weekend and overtime work should have been done in the first place because of the urgency of our situation. We also requested more assistance with traffic during the rush hour times at Hillside and Henderson, and at

Miller and Henderson. Just as a note, on Friday evening on Miller Drive traffic was backed up from Henderson back into Walnut Street. It was also backed up on Country Club Road from Walnut Street back through Rogers Road. And that's a routine event. That's not something that just happened to occur last Friday. It was that way last Friday, it was that way a week ago Friday. It is a major inconvenience. And just on a side note, I was contacted by a lady today that lives on the Southwest side of town and she pointed out to me that her only access to the city of Bloomington is through Bloomfield Road, Whitehall Pike, or Tapp Road. She said for them to come to Bloomington at all, to get to South high school is a nightmare. They got to go through either construction projects on the south side of Bloomington. They're backed up with this horrendous traffic during rush hour on Country Club Road, because that's the only access that people have from the west side to get into town and they're taking it to avoid the Whitehall intersections and what not. It's an unbelievable inconvenience to thousands of people. It's not just the business situation. The response we've gotten all along seems to be that the road will not be opened until May 1, because they don't want to pursue the possible options and the costs involved in opening it. Let me explain the urgency on the costs. The businesses that are directly impacted are from South High School to Second Street. There are roughly 72 established businesses on Walnut Street in that area who feel they've been impacted. There are others on side streets that are impacted and I really haven't included them here. The businesses that I have surveyed myself have indicated to me that their loss of gross sales is from 25-60%. That's how far off their businesses have been for the past three-and-a-half months. Most of them have told me they've laid off employees, some of them as many as half of their employees. Without an actual count it is difficult to describe the loss of jobs that this amount too. It could easily be a couple hundred jobs. If the average daily cash flow of these businesses were \$1,000, many of them are below that, and many of them are quite a bit greater than that, and you were figuring a 25% shortfall in cash flow, you'd be talking about \$18,000 a day in lost sales. Over the period of four months, if these figures are correct, the City will have saved a few dollars by closing the street but they will have done it at the cost of maybe a few hundred jobs and if you calculate this 25% loss, it's \$2,160,000 and maybe at the cost of 72 going businesses. A retail business cannot operate on one leg for four months. We've directed traffic around town. We've encouraged people to take on other habits. We may have mortally wounded these 72 businesses. It will take a long time for the Walnut Street corridor businesses to rebuild their trade. That cost cannot be assessed. We have spent a great deal of money to do environmental studies before beginning even the most obvious improvements. Did the City do an economic impact study of South Walnut Street before it began? If not, why not? We've spent hundreds of thousands of dollars to bring economic development to our community. Our existing businesses are not stepchildren. I have a drawing that I did of the South Walnut Street project and of what I think can be done to open the road immediately. I'd like to show it to you. I'm not an engineer, however I am a contractor. I have first-hand knowledge of building and commercial contracting. Keith Huston and I went down on South Walnut Street Friday and we measured the obstacles that

were pointed out to us as reasons that the street couldn't be opened. I did this drawing. It shows where things are and what could still be done if the City wishes to open the street. I want the road to be opened immediately and I believe that if the administration had the desire for the road to be opened, it could have been opened from the beginning. Where there is a will, there's a way. And there are ways. The City should be responsible only for maintenance projects. And I believe this project is too big, I believe that it should have been undertaken by private contractors and private supervision and one of the conditions should have been that it should have been open all along. The government bureaucracy simply cannot be responsive to these needs and we should not have let it occur. I was told two weeks ago that we were only waiting on the gas company to open up the project down there, that the City utilities only had to complete the road patches north of the railroad track and when the gas company was done things would be open. Yesterday I counted eight new holes in the road created by City utilities north of the railroad track. Today there are five additional holes in the road. I did not measure north of the railroad track nor figure that because I was told that work was done. It's obviously not done. I assumed that the City knew the status of its utility work on its own. The City's utility work is not done either. I did not address those problems. I addressed south of the railroad tracks that I was told was the problem. [Holds up drawing] For the purposes of you and the camera, this is Miller Drive and this is the railroad track. The road went from sidewalk to sidewalk. This is Stansifer's Radio, Southside Rental, Wee Willie's, Third Base Lounge and Meinke Muffler. The road width there is 48 feet. That would be a major highway with twelve foot lane widths, four lanes, is what we have from sidewalk to sidewalk. The gas company is digging the center line of their trenches seven feet to the west of the center line of the road. What I've drawn in pink here is they have erected a fence road down the center line, and I've also shown it there in a cross-section, and their trench is roughly two-feet wide. They're already through the place where they have had to dig it the widest and it runs down that lane of traffic. The obstacles beginning at Miller Drive, there's a ten-foot wide by 280 foot long grass area in front of Stansifer's Radio. That is an open drainage ditch. It's surface drainage only, there's no drain going into the ground, and the water runs from the culverts under the roadway and runs out onto Walnut Street right south of Southside Rental. My recommendation is that they excavate the ten by 280 feet stretch there, they excavate it ten inches deep, fill it with seven inches of stone, put in three inches of asphalt. That the regulations for a city street in this town and would be more than satisfactory for a temporary patch to let traffic flow over that area. They also would have to put asphalt over the railroad crossing where it's not improved to a 24 foot width. That total cost, with an actual estimate, and we added \$500 to it for a contingency fee, would be \$7,500. That's an actual cost estimate. Just that work would open up Walnut Street from Miller Drive to the railroad track to a full 24 feet of width. The only other obstacles you have in the roadway are at the railroad crossing there's a railroad crossing sign that is nineteen feet from the center line. Then there's a post next to it that really doesn't do anything. Then there's a water shutoff valve or a water meter of some

kind that's sticking up there that has to be removed regardless, so it could be capped below the surface level. The railroad sign could be moved to the telephone pole that's 30 feet off the center line. That's a matter of a couple of hours work. \$7,500, moving the sign, you have a full 24 foot width of room to work. The other consideration that was pointed out were safety considerations having an open trench and having men trying to work and dig with two-way traffic which does make it more congested and with traffic buzzing by there. We're able somehow to build interstate highways through mountains and maintain two lanes of traffic. And they do it with concrete barricades that not only keep cars from dropping thousands of feet over bridges but protect the people who work behind them. So we got a price based on the average cost in the nation of renting concrete barricades, which includes the installation and removal of the barricades. It's \$27 a foot and if from the beginning we had installed a concrete barricade down the middle on the center line it would have cost us \$13,500. I also put in there a \$1,000 for signage and street striping that should have been done anyway for safety purposes to direct traffic through the area. The total cost is \$22,000. That's very little more than it's costing the total businesses there in a single day. What I'm trying to point out is the urgency of a day in retailing. A retailer does not recoup a day's lost business. He doesn't do it. Openings could be left at driveway cuts. Steel plates cuts could be put over open trenches and let people go in and out. They could take extra pains to only block one access point to a business at a time, and people could get in and out. Those kinds of plans weren't made. I did this in a half-a-day on my own. The bid for the asphalt work is an actual bid. It is not something I just came up with out of pie in the sky. I believe this work could be completed in a day. And South Walnut Street could be opened for two-way traffic and at the very least I think it should have been addressed from the beginning when they weren't working on weekends. Tonight at 5:30 there was no work going on on South Walnut Street. If my business were closed up, if I had equipment broken down, if the Herald Times had their presses down, they wouldn't care what the hourly cost was. They'd be working around the clock until they were back in business. They can't afford to be down for a day. We've asked 72 people to operate in a crippled status for an extended period of time and I have yet to feel the urgency on the part of the City. I'm asking the City Council, as individual members, to please drive down the street, look at what's going on, assess the situation, and request this administration to please do whatever is necessary and spend an extra \$20,000 to try to save these businesses. If they are mortally wounded, you aren't going to see them die for another year. People in small business have a lot of pride. They'll do whatever they can do to maintain their businesses, to keep them open and try to survive this. We're not going to let bids on this project until July. We don't even own all the right-of-way on this project yet. Any assumption that a contractor is going to be able to start in August I think is very presumptuous. If he's a good contractor he's extremely busy in the summer. So I think it could be nine months before we even begin real construction and we're already torn up. I think the City owes its business community more than this. I'm really requesting your help, and the public's help. Thank you.

MIKE DAVIS: First of all, this is the "World's Greatest College Weekend" coming upon us. I appreciate Kirk's mentioning some of the things with the Student Advisory Council. One thing that should be mentioned also, the police force will be out in force and that's at a cost to us of \$15,000 in overtime. They are to be commended for the work they have done in the past and work they'll do in the future on Little 500 weekend. Also, would like to mention, I'm sure you're all aware, that the Plan Commission unanimously approved of the master plan and that, of course, will be coming to the Council very soon, after 20 hours of public forums already and a good deal of input, mostly favorable on the master plan. It's nice to see that that has come along. I would also like to respond to some of the things, concerns that Councilmember Hogan has mentioned. First and foremost, the City is very concerned for the businesses on South Walnut and for the safety of the workers, as well as the safety of the motorists on South Walnut during the relocation of utilities. Last fall, our Engineering Department met monthly with all of the utilities involved, to establish a utilities relocation plan for South Walnut. They met on a monthly basis. This plan established a timeline for activities so that Walnut could remain open during utilities relocation. We felt it was very important to keep it open as much as possible for businesses. We have put signs along the routes directing people on how they can access certain businesses. We also wanted to ensure that Walnut would not be shut down completely and we have been able to do that. Recently, the timeline on the project had to be extended because workers hit rock while boring under the railroad tracks. We did receive permission from CFX railroad to open cut across the tracks on the east side. This got us back in action, however, a month behind. We are now anticipating two-way traffic on Walnut by the end of April, if not sooner. The relocation plan established a detour for the northbound traffic, using Miller to Henderson, and back to Walnut on First. This detour was implemented to provide safe and efficient flow of vehicular traffic during the relocation process. The utilities, Indiana Gas, Public Service, Indiana Bell, and the City of Bloomington, worked on the entire stretch of Walnut, Miller to Wylie, utilizing only one to one-and-a-half lanes of pavement to complete their work. This allowed us to maintain access to all properties and businesses along Walnut. Because of the required positioning of utilities for future access, we were unable to construct safe runarounds to accommodate two-lane traffic. Due to the size of the excavation south of the tracks, we were unable to close them at the end of each day's activities and on the weekends. That's why we maintained the detour during the entire operation. As you can see from today's activity, if you were to be out there, and I'm sure Steve has been out there, there's huge equipment out there doing work on excavating. And there's simply no way to incorporate a runaround in the South Walnut corridor. As I mentioned before, we do have concerns for the businesses. We're working as hard as possible. Bill Riggert's been putting in a great deal of time working with the other engineers on this project. The professional judgement of the engineers, we felt, is very important in this manner. Thank you.

FERNANDEZ: I just want to follow up on something Mike said. The master plan will be coming to the City Council for the first hearing on May 8th, and the

second hearing and, without being too presumptuous, the adoption would be on the 15th of May. So we strongly encourage everyone to plan on attending and giving your input. We'll pretty much have a clear agenda on those nights except for the master plan discussions. Like everyone else, I want to thank everyone who's put a lot of time into the plan. There's been a lot of volunteers on our boards and commissions, and members of the public. Channel 29 has had a lot more meetings in the last few months than they usually do, and without having any additional budget money. We might want to keep that in mind when we do our budget this year.

HOGAN: Mike (Davis)? Can I ask you a favor please? Would you mind reviewing the map that I drew and giving it to Bill Riggert and simply asking for an explanation of why my proposition would not work and if he would see if there is a possibility of implementing it and responding to it formally from an engineering perspective why he doesn't think it would work. I have had engineers look at it. They are not on the project. There may be something that I'm missing. But I would like for Bill to formally address it as a possibility and offer to businesses that courtesy, if nothing else, rather than just "no, we're not going to open until May 1st." If those are the only things that are the hangup, that's what he told me all the hangup is, I think we've addressed what he told me couldn't be done. And if there's something that is beyond what he's told me, I'd like to know what it is. But I think that he owes me the courtesy of saying why that won't work and the other businesses also.

DAVIS: I'd be happy to forward this to Bill and to ask for his review. As you know, he's extremely busy right now working on the project.

HOGAN: I understand that. But I also know that we were told that people would be working around the clock to get this done, and there's no work going on at 5:30 on a beautiful day. It's not pouring down rain tonight. Something's got to give. This is the Little 5 weekend and South Walnut Street misses it.

It was moved and seconded that Ordinance 91-25 be introduced and read by the Clerk by title only. The motion passed on a voice vote. The Deputy Clerk read the ordinance title. It was moved and seconded that Ordinance 91-25 be adopted. There had been no Committee of the Whole discussion of Ordinance 91-25. Fernandez read the synopsis of the Ordinance. Public Works Director Ted Rhinehart addressed the Council.

LEGISLATION FOR
SECOND READING
AND VOTE

ORDINANCE 91-25

RHINEHART: In our ongoing efforts to look at ways to improve our services, and to cut our costs, what we're proposing to do with this program is to eliminate the use of temporary seasonal labor during the summer, to contract with a professional in pavement marking to do most of our specialty markings in high-ply thermoplastic and then to do the balance of it in paint, with the hopes that we can begin to phase in this program over the next several years and decrease the amount that we spend totally on pavement marking. What we've done in the past is we've used the seasonal laborers during the summer to put down paint for our specialty markings: railroads crossings, crosswalks, stop bars, messages, turn arrows and those kind of markings. And it takes them most of the summer. We have

to pay still about \$20,000 or so for the materials. We spend about \$20,000 for the labor, plus miscellaneous costs for equipment and fuel. So you spend \$40,000 or so for the specialty markings on top of the \$35-40,000 that we contract in paint for edge lines and center lines. What we're proposing to do is that we'd begin to do most of the specialty markings, especially in the high traffic areas, in thermoplastic. We would then do the balance of the specialty marking in some of the lower traffic areas, plus the edge lines and center lines, in paint for a total cost of somewhere around \$90,000. So in the first year we'll have to spend a little more than we have in the past on our total painting program. But it will save us in the long run. The thermoplastic should last about three years or at least two in the high traffic areas. Instead of having the paint that we apply with seasonal labor wear out during winter, and in many areas around town if you look now, you can no longer see stop bars or turn arrows at some of the key intersections. The thermoplastic should hold up a lot better under those conditions. If you notice on some of our recent contracts like Hillside and High, where they did use thermoplastic, it's still in good condition. So we feel by phasing this in, at least for our specialty markings and our critical intersections, that over time we may begin to reduce our total costs for paint from around \$90,000 this year, to maybe around \$50,000 next year and then into a program where you phase in at only \$30-40,000 a year for our total program and begin to look at some of the intersections and some of the roads where using thermoplastic even for the edge lines and the center lines might also be appropriate. And again, it will be a program we would look at for each specific street as to what's most appropriate. Some of the history in other cities has been that thermoplastic tends to work better on asphalt than concrete. That's something we'll have to evaluate. It's also important that we watch the contractor and the method they use to apply it. So we got out a set of specs right now that we're looking at. We'll see what kind of prices we get. But we expect to be able to do this program for about \$90,000 this year and that's why we're looking to move some money around to cover it.

WHITE: Ted, about what percentage of our intersections do you think this is going to cover with the thermoplastic?

RHINEHART: I couldn't really tell you in percentage of intersections, but from our bid package we put together on lineal feet we'd be looking at doing looking at doing about two-thirds of the lineal feet in thermoplastic and about one-third of the lineal feet in paint for specialty markings.

WHITE: Sounds good. I'll just make a comment. I think that, as we've seen before, Ted comes to us with these nice new projects to make things better and I appreciate it because that's what we need is increased efficiency and making things last a little bit longer and work better and I'm willing to support him in all these kinds of brainwork he's doing so things will get done more efficiently.

KIESLING: I've seen a couple places where that's been used and it looks like a good thing. I hope it works.

Ordinance 91-25 passed 7-0.

OLCOTT: Can I ask Mr. Rhinehart, why in the world did we put no-turn-on-red signs at Hillside and High?

RHINEHART: At one particular intersection, if you're going southbound on High, there's a line-of-sight distance from the traffic coming westbound on Moores Pike. That's the only one I can think of and I'm sure if that's where you're talking about.

OLCOTT: It's on all four. There so small you don't see them anyway and nobody pays any attention to them on the second one, but I just wondered why we bothered putting them up there.

RHINEHART: I'd have to check on the others. That particular one going south on High we got a line of sight problem.

KIESLING: I think Bill said that was true of the other ones too, but the problem is the sign is so small, most people don't see it, it's enough away from the signal.

OLCOTT: Plus the fact that it's a long signal. I don't know what the revolving time is but it's a long signal. And if there's just one or two cars, I've never seen anybody not turn on red.

RHINEHART: I'll check on it and find out why those other three were done.

HOGAN: It's the same reason, because I asked Bill about that and it's line of sight from all directions. Unless you actually pull into the intersection, you don't have good sight distances. Everybody stops and they slowly pull into the intersection, and they go. I've yet to see somebody not turn right on red.

It was moved and seconded that Ordinance 91-19 be introduced and read by the Clerk by title only. The motion passed on a voice vote. The Deputy Clerk read the ordinance title. It was moved and seconded that Ordinance 91-19 be adopted. Action on Ordinance 91-19 had been postponed from the April 3rd meeting. City Planner Chris Spiek addressed the Council.

ORDINANCE 91-19

SPIEK: This is a request for an alley vacation. You heard this in committee and since then there's been some changes that are incorporated in the ordinance for your adoption tonight. What's happened since then is that the petitioner, CFC, who wishes to have this area right here vacated, the hatched area on this side of the street, where they currently have street parking for the tenants of their units, they would wish to have that vacated so that street parking could become part of their project be assured for the tenants in their building. In exchange for that they're willing to dedicate this strip of equal amount of property on the other side of the street, that they own, they own everything on this side of the block. And our concerns in the initial hearings on this was that we wish to keep this open, at least at this time, for fire and police protection. That was the major reason why we did not want to vacate the entire right-of-way. The staff and all the concerned utilities and Public Works Department and everybody has reevaluated this proposal and no one seems to indicate any problems with vacating

the portion on the one side of the street, and then CFC dedicating an equal portion on the other side of the street. So that's all we're recommending tonight and this drawing basically illustrates the two areas. There was some concern about a couple of trees here that are shown in this drawing and both of those trees will still be outside the dedication area and will not be impacted if and when we were ever to come in and do anything with this. Our plans at this point in time really aren't to do anything with this street, but sometime down the future they may be some road resurfacing or something may get over into that. So we wanted to make sure those trees would not be impacted. The ordinance that you have currently now has both legal descriptions I believe there will be an amendment to have that ordinance adopted.

FERNANDEZ: Chris, mechanically how will this work then?

SPIEK: What they will do is prepare a deed to transfer the property to the City before the ordinance is officially signed by the Mayor...[inaudible]

KIESLING: John, I think probably what we ought to do is that so that we talk to the issue is to amend the ordinance as was originally presented to us to reflect what Chris has just indicated and I should like to move accordingly. I don't know if we want to read all this or how do you want to handle this, Dan? [inaudible]

FERNANDEZ: I'll take a second. (Motion was seconded.) Do we have any questions for Chris?

HOGAN: Not for Chris. I assume that Ted (Ferguson of CFC)...

SPIEK: Ted's here.

HOGAN: I know, that they worked this out...

SPIEK: Yes, they were very cooperative.

HOGAN: I commend you all for working together for something that's satisfactory to both parties and taking the burden off of us. I think it's great and I wish we'd do that all the time.

WHITE: Will the newly deeded area be improved somehow?

SPIEK: No, we don't have any plans for it really at this point in time. The street will function as it currently does. The parking still allows traffic to utilize the right-of-way. So there's really no physical improvements involved here.

FERNANDEZ: Just to follow up on that, so can the safety equipment get in there then?

SPIEK: We can in the current situation, yes.

FERNANDEZ: With the cars parked there?

SPIEK: Yes. They would have to utilize the whole street. It is a two-way street but they'd just block the street.

FOLEY: I just wanted to very briefly say as a former resident in the neighborhood the ambience that Smith Avenue, as small as it is, had in the neighborhood and

I would really want to thank Chris and Ted Ferguson and the administration for working this out in the best interest of the neighborhood and as Councilman Hogan pointed out, this is one of the good stories.

FERNANDEZ: Any comments from the public....[End of tape]

KIESLING: ...someone was concerned about it and I explained what I had already been informed about, what you had decided upon, and I think it was somewhat satisfactory, but it is someone who lives in the neighborhood who was interested and concerned about it.

FERNANDEZ: The question has been called. Please call the roll on the amendment.

The amendment passed 7-0. The question was called on the ordinance as amended.

TED FERGUSON: I believed procedurally the amended ordinance would normally be voted on at the next meeting. If you would like to vote tonight, and we would like you to, I believe you'll have to unanimously vote to take it up tonight.

(Discussion between Councilmembers and staff on Ferguson's comment.)

OLCOTT: We shouldn't if we just amend it. The ordinance was read at the meeting two weeks ago and we're just amending that. If you feel uncomfortable with it I will move to suspend the rules. (Motion was seconded.)

The motion to suspend the rules passed 7-0. Ordinance 91-19 as amended passed 7-0.

It was moved and seconded that Ordinance 91-26 be introduced and read by the Clerk by title only. Motion carried by voice vote and the title was read by the Deputy Clerk. Ordinance 91-26 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic". Fernandez read the synopsis.

LEGISLATION FOR
FIRST READING

ORDINANCE 91-26

There were no communications or petitions.

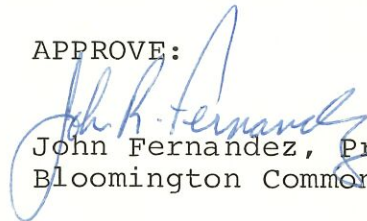
COMMUNICATIONS
& PETITIONS

It was moved and seconded that the Council not meet as Committee of the Whole on April 24. Motion carried on a voice vote.

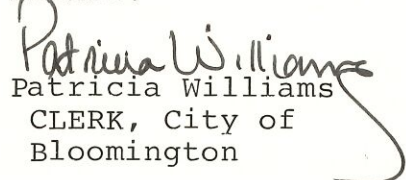
The meeting adjourned at 8:25 p.m.

ADJOURNMENT

APPROVE:


John Fernandez, President
Bloomington Common Council

ATTEST:


Patricia Williams
CLERK, City of
Bloomington