

In the Council Chambers of the Municipal Building held on Wednesday, June 5, 1991, at 7:30 P.M. with Council President Fernandez presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR
SESSION
JUNE 5, 1991

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

ROLL CALL

President Fernandez gave the agenda summation.

AGENDA
SUMMATION
APPROVAL OF
MINUTES
MESSAGES
FROM
COUNCILMEMBERS

The minutes of May 1, 1991 were approved by a voice vote.

White said that the legislative inaction in Indianapolis will affect all of us, especially those of us in city government trying to deliver city services, and secondly the major employer in our community (IU) has cash reserves that will only last a few weeks if the legislature does not act. Somewhere or someway there is a lack of leadership, be it the governor or the legislature and these people, if they can't come to some decisions in the length of time they are supposed to be there, should reexamine their ideas of whether they should run for reelection.

Service said the Arts Council has prepared an update regarding the Waldron Center and suggested that council and citizens inform themselves regarding this. There will be another Open House on June 21 and 22. Midsummer's Night Dream and Two Gentlemen from Verona will be presented this summer.

She offered a personal condemnation of the EPA for refusing to allow the County Attorney, Jim Trulock to participate in the Citizens Information Committee regarding the discussion of PCB disposal. It is childish behavior and in no way is conducive to helping solve the PCB problem. She also addressed the recent effort on the part of TCI, that as they promoted their new ENCORE station, the marketing process was to make customers contact TCI in order not to have the optional channel. It was determined in the courts that this while legal, TCI had a lot of feed back on the process forcing TCI to change the method of subscribing. It wasn't the right sort of approach and fortunately was stopped.

White said he would miss the June 19 and 26 meetings for National Guard duty.

Kiesling responded to Services remarks, saying this was a nationwide marketing ploy on the part of TCI and she praised local Telecommunications Council for their vigilance in responding to citizens protests.

Fernandez thanked the media and Chinese Student Association for reminding us, this week, of the anniversary of Tianamen Square. Serious questions are being raised about restoring trade activities with China in view of their human rights violations. He agreed with Service regarding the EPA ban against Trulock and said that we are standing with the county on this issue. The community shares a solidarity on this issue.

Mike Davis, representing the Mayor, said that the Mayor is meeting with Mayors of other IU regional campus towns and cities to try and combine lobbying efforts on behalf of IU statewide. He thanked Service and Fernandez regarding the EPA comments and said that the Mayor shares their opinions on this point. He also thanked Olcott for his participation in interviewing Parks and Recreation director applicants for the position currently held by Frank Ragan.

MESSAGES FROM
THE MAYOR

Wayne Keen, a Class 1 operator at Dillman was presented with a letter from the Mayor regarding a pump station fire and Keen's quick action to save personnel and city property from damage. Keen is a 7 year employee of the City.

It was moved, seconded and approved that James Capshew be appointed to the Environmental Commission.

ENVIRON.
COMM. APPT.

Regester submitted a conflict of interest statement

regarding Ordinance 91-31. It was moved, seconded, and approved to accept Register's statement.

Fernandez said that the petition for the Stoutes Creek project has been withdrawn by the petitioner (Ord. 91-22).

It was moved and seconded that Resolution 91-16 be introduced and read by Acting Clerk McNamara by title only. RES. 91-16
Clerk McNamara read the resolution by title.
It was moved and seconded that Resolution 91-16 be adopted.
The synopsis and committee report of 6-0-1 was given.

Sue Wheeler, Human Resources Director, said that the leases expire at various times of the year and it is more expedient to negotiate leases as they come due. This resolution gives us the flexibility needed for the JPTA program.

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

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

Chuck Ruckman said that financial impact for the city is 0 dollars .The grant is for \$284,862.
Norm Merrifield said that Cook Inc. is donating the architectural and engineering (A&E) services for this project and that is where the project stands right now. The state and federal Department of the Interior are coming together to determine if this project does qualify for the National Register.

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

It was moved and seconded that Resolution 91-17 be introduced and read by title only. RES. 91-17
Acting Clerk McNamara read the resolution by title only.
It was moved and seconded that Resolution 91-17 be adopted.
The synopsis and committee recommendation of 4-1-2 was given.

Chuck Ruckman said this is the start of the financing program for the convention center parking lot. We are asking for an advance from the Westside Industries Fund so that we can proceed with final land acquisition and the construction of the project and keep everything on a timetable with the convention center itself. The net cost will be about \$23,000 in lost interest from the Westside Industries Fund and will be offset by comparable savings in the bond issue itself. The unlying project will be financed by involving a lease-purchase agreement between the Redevelopment and the Bloomington Municipal Facilities Corp. Bonds will be floated and the monies will be used to reimburse the westside industries fund and finance the project. The Redevelopment Commission will make lease payment to the corporation to retire the bonds and the money for the lease payment will come from our Tax Increment District Fund. This is one of the preferred methods of financing this type of project.

It was moved and seconded that the following amendment creating a new Section III stating that expenditures made under this authority shall be repaid to the special non-reverting fund and old Section III would be the new Section IV.

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

Kiesling asked why we cannot say this is for this project

specifically rather than for long term projects of the city. Ruckman said the IRS issues the regulations to control abuses of arbitrage regulations. That is, if you have money to advance for projects then why do you need to borrow those bond issues and reimburse those advances. We don't agree with the way those regulations are interpreted. Bond counsel will communicate with the IRS to see how the regulations could be improved or/and eliminated. Ruckman said this sentence was not meant as a general blanket use for westside, it was simply meant as an explanation to the IRS as to why we were not using westside funds to simply pay the funds. This is the first effort to draft legislation to comply with the IRS regulations by our bond counsel. White asked about use of the TIF for future downtown programs. Ruckman said that it has taken us so long to get this project off the ground, he just didn't know about future programs.

Jeff Fanyo described the project for the parking facility. The lot requires truck access to the loading ramp and there will be 154 parking spaces. A major storm drainage culvert had to be diverted. The sanitary sewer was also realigned. Islands and the railroad track bed will be landscaped, and the whole area will be lighted for security and safety. Fernandez asked about site plans for the hotel. Fanyo said there are no known plans at this time. Pat Bookwalter said that in discussions with Public Works, it has been considered that Public Works would have a dollar lease of the area until a hotel is built, and they would administer and generate income from the temporary parking site. White thought there should be appropriate signage so that people using the facility know that it is a City parking lot and he also expressed concern about building a hotel at a later date and the effect construction will have on our beautiful newly paved lot.

Olcott said he cannot visualize a first class hotel being stuffed in between no parking, no access and loading areas in which trucks will have to back up to a ramp to unload. We will take the lot, we'll mark it and when we get the hotel, then we can design our parking needs around the hotel and around the convention center. Let's just take the lot the way it is, rent it from CFC until we get the hotel in five years or so. It isn't going to go anywhere. Fanyo said there are problems with that theory, the area is elevated and in order to make it a parking lot it has to be lowered as much as 5 ft. Olcott said it has been a parking lot before without any changes in grading.

Lee Marchant urged the council to support the parking lot and said that things are coming along very well with the convention center and the marketing of that facility. Olcott said he is not against the project, because the center will be a major asset to the community, it is just very necessary to have a hotel in place to make the project go. Marchant said a restaurant will not go in, until the hotel is in place. There will be provisions for on site catering at this time. Every restaurateur says that the concept of a restaurant is contingent upon a hotel.

Glenda Morrison, Director of the Chamber of Commerce also urged support for the resolution

Ruckman said that he could provide a legal calendar of the various steps in this process. Right now he is somewhat uncertain of what the procedure will be. Because it is a Redevelopment lease, it probably would not come before the council again.

Olcott said he wants the project to be successful and he wants to be invited to the open house and he just wants to hold out for a hotel for as long as he can (and about 8:45 P.M. is as long as it is going to be). He wants it to be

successful and he wants a hotel to be part of complex.

White expressed concern about the flexibility of the plan, thought the fire station progress was coming along pretty well and that he probably should start looking into this project. Register said it is not IF a hotel will come, it is a matter of WHEN a hotel will come to Bloomington. Most hotel developers are used to working within confined sites within cities. We want something specific for our site.

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

It was moved and seconded that Ordinance 91-27 be introduced and read by title only. Acting Clerk McNamara read the ordinance by title. ORD. 91-27

It was moved and seconded that Ordinance 91-27 be adopted. The synopsis and committee recommendation of 7-0 was given.

Tim Mueller described and summarized the rezone request. We recently rezoned 70 acres south of the Thomson plant and at that time a large distribution center might be on the new site halfway on their existing property or entirely on the new property. The company decided that the best site was the existing property, west of the plant. It was learned at that time that some of the Thomson property remained in the RS zone, rather than industrial. This is the same type of rezone we did for the earlier site (the 70 acres) from RS to MG with a planned development designation, avoiding new industrial rezoning in this area. We want to assist the expansion of Thomson, but we do not want to encourage new industry in this particular area. Eventually the warehouse will be upgraded to about a million sq.ft. Parking for the new facility will extend into an area that is currently wooded. New vegetation will be planted. All loading facilities will be on the north side and all truck access will be the existing circulation pattern. There will not be a significant increase in trucking, as this is basically a storage facility.

He also discussed the alley vacation that Thomson has requested later this evening. The only use for Walker St. is for a gas line and there is not stub from Walker St to Allen Street. As part of the PCD there will be a 20 ft dedication of right of way to supplement the rather meager Adams St right of way. The alley and Walker St would be vacated.

Representatives of Thomson Electric were available for questions.

Susan King, representing Hilltop Property asked about the loading dock on the north side of the property interfering with the quiet enjoyment for residents of the trailer park. There are trucks in and out of the north side now and Thomson representatives were not sure if this causes a disturbance or more of a disturbance, but he did note that they have been loading trucks for 15-16 hours a day for 20 years. The noise level should remain about the same.

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

It was moved and seconded that Ordinance 91-32 be introduced and read by the Acting Clerk. Clerk McNamara read the ordinance by title only. ORD. 91-32

It was moved and seconded that Ordinance 91-32 be adopted. The synopsis and committee recommendation of 7-0 was given.

This is a legally advertised public hearing. There was no discussion.

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

It was moved and seconded that Ordinance 91-28 be introduced ORD. 91-28
read by title only. Acting Clerk McNamara read the ordinance
by title only.

It was moved and seconded that Ordinance 91-28 be adopted.
The synopsis and committee recommendation of 6-0-1 was
given.

The is a legally advertised public hearing.

Tim Mueller described the site, currently occupied by a
small building. The petitioner would like to remodel and
expand the building that currently encroaches in both rights
of way, 2 and 1/2 ft into Rogers right of way line and 4 ft
into 7th Street. The vacation would accomodate the existing
building on Rogers and 7th Street. The sidewalk is well
outboard the actual right of way line and these types of
small encroachments are not uncommon.

John Byers was available for questions.

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

It was moved and seconded that Ordinance 91-29 be introduced ORD. 91-29
and read by title only. Acting Clerk McNamara read the
ordinance by title.

It was moved and seconded that Ordinance 91-29 be adopted.
The synopsis and committee recommendation of 7-0 was given.
This is a legally advertised public hearing.

Tim Mueller said that the petitioners house encroaches into
the alley. They wish to build an addition to their house.
It is extremely unlikely that this alley would ever be used
for any public purpose.

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

It was moved and seconded that Ordinance 91-30 be introduced ORD. 91-30
and read by title only. Acting Clerk McNamara read the
ordinance by title only.

It was moved and seconded that Ordinance 91-30 be adopted.
The synopsis and committee recommendation of 4-0-3 was
given.

Tim Mueller described the site and the proposed change as
requested by the petitioner. The surrounding area is
predominately multi-family with a mix of RL and RH.
Woodbridge to the east was a designated PUD to allow a
little more density (12 per ac). This site was originally a
PUD for 105 suite complex for the elderly. That has fallen
through and they are not requesting this change to get an
amended plan. They are requesting 48 units (density of more
than 10 units/ac). The structure will be the conventional
three story building and is compatible with the surrounding
apartment complexes and with 48, 3 bedroom units it has the
potential to be student housing. There is no objection to
that as it is close to campus and the IU bus line.

Kiesling thought the entire area was becoming much too
dense. Mueller said we are reaching a threshold in this
area and we must be cautious about it. Kiesling thought the
original proposal was good and was sorry that it did not
work.

The ordinance received a roll call vote of Ayes:6,
Nays:2(Service, Kiesling), Abstain:1 (Regester)

It was moved and seconded that Ordinance 91-31 be introduced ORD. 91-31
and read by title only. Acting Clerk McNamara read the
ordinance by title.

It was moved and seconded that Ordinance 91-31 be adopted.
The synopsis and committee recommendation of 6-0-1 was
given.

Tim Mueller described the tract and a bit of background dealing with Vernal Pk. Several years ago it was determined that we wished to deal with rezones on a case by case basis on Vernal Pk. Access on Vernal is not good for trucking or consumer oriented businesses. The policy has been to allow light industrial usage on Vernal and retain residential on surrounding east-west streets. This request is consistent with that ongoing policy. This is a warehouse-office building with an access to Gray St. and Vernal Pk. The large sinkhole on the site will be excavated and used for stormwater detention. The list of permitted uses is for MP (Manufacturing Park). Utilities are in place in the area. Kiesling hoped that the sink holes would be treated properly. House also wondered who would oversee the process Mueller said fully engineered plans will be submitted to the Plan Commission dealing with grading, drainage and a full public review.

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

The following ordinances were introduced and read by title only for first reading before the Bloomington Common Council by Acting Clerk McNamara.

FIRST READING
ORD. 91-33
ORD. 91-36

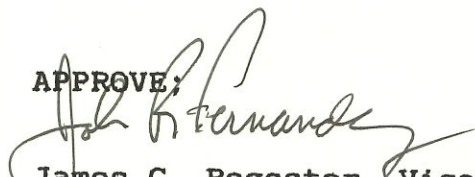
Ordinance 91-33 To Amend the 1991 Salary Ordinance for Appointed Officers and Employees of the City of Bloomington
Ordinance 91-36 To Amend the Zoning Maps from MQ and RS to RS and to Grant Outline Plan Approval and Designate PUD Re: Property Located at 2400 block of Rockport Road. Walter Lentz and Steve Lankford, Petitioners.

Fernandez reminded everyone about the Budget Retreat this weekend for councilmembers and the public is also invited. It was determined that the council would not meet next week. Fernandez will be out of the country and "Acting President Regester" will lead the council.

The meeting was adjourned at approximately 9:15 P.M.

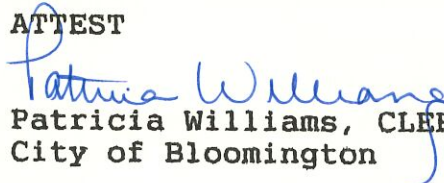
ADJOURNMENT

APPROVE:



James C. Regester, Vice-Pres.
Bloomington Common Council

ATTEST



Patricia Williams, CLERK
City of Bloomington