

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

COMMON COUNCIL  
REGULAR SESSION  
AUGUST 7, 1991

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

ROLL CALL

Council President Fernandez gave the agenda summation.

AGENDA SUMMATION

The minutes of June 5, 1991 and July 10, 1991 were approved by a voice vote. The minutes for July 17, 1991 were deferred until the next meeting.

APPROVAL OF MINUTES

House extended her sympathies to Steve Hogan on the recent death of his son, Ryan, as did all the councilmembers. Service noted the upcoming Drum Corp International Mid-west finals this Saturday and well as a Hiroshima Remembrance Day at the new fountain in the 3rd St Park.

MESSAGES FROM  
COUNCILMEMBERS

Hogan thanked everyone for the outpouring of love and support from the entire community to his family. Fernandez said he was happy to be back. (He was participating in an international law school program in Spain).

Mayor Allison also expressed, on behalf of the city administration, her sympathies to the Hogan family. She invited everyone to participate in WESTFEST this coming Saturday. She also introduced Dena Rae Hancock, IUSA President and an intern in the Mayor's office this year and Dena talked about the new handbook that has been put out for IUSA and the Student Legal Services with information on landlord/tenant and other pertinent regarding the housing code regulations.

MAYORAL MESSAGE

Heidi Hawan from the IU Conference Bureau invited everyone to participate in the Joe Louis Conference that is taking place in Bloomington from Sept.12-15 and invited everyone to the kick-off breakfast on Sept.12 at the Monroe County Library.

Chief Sharp also gave councilmembers printed information regarding a state funded program for citizens to learn how to protect themselves, appropriate for homeowners, babysitters and senior citizens.

DEPARTMENTAL  
MESSAGES

It was moved and seconded that Appropriation Ordinance 91-3 be introduced and read by title only. Clerk Williams read the ordinance.

LEGISLATION FOR  
SECOND READING/VOTE  
APP.ORD. 91-3

It was moved and seconded that Appropriation Ordinance 91-3 be adopted. The synopsis and committee recommendation of 7-0 was given.

Mayor Allison presented the Civil City Budget for 1992, noting that Bloomington just does not have the tax base that other cities enjoy, in fact we have the lowest property tax of all the large Indiana cities and by a large margin. Our property tax revenues average \$158/person and the next lowest city is Muncie and they raise 3.5 million more than Bloomington. Almost all cities receive more in property taxes than we do. Most of the industries are located outside our city limits, all IU property is tax exempt and thirdly the property tax controls froze cities at their 1973 property tax level, penalizing cities like Bloomington that have continued to grow. This budget was difficult because of the national recession. Most state revenues will be at or below the 1990 level. Our budget maintains all of our services and programs in 1992 because our economy remains strong, with the state's lowest

employment rate and the revenues are remarkably stable and give us a firm foundation. WE have planned to succeed in uncertain economic times and we run a tight economic ship. We don't overspend. She applauded numerous departments for jobs well done. As requested by the council during budget hearings; the mayor did talk with members of the County Council regarding a joint Human Rights Attorney position and if funds are available the county will attempt to consider it. The other request of the mayor was in regards to compost and the "recommendation of the sub-committee will be followed and in the next two years the Solid Waste Landfill needs it for cover and we will send it to the landfill for cover".

The ordinance received a roll call vote of Ayes:6, Nays:1 (Hogan).

It was moved and seconded that Appropriation Ordinance 91-4 be introduced and read by title only, Clerk Williams read the ordinance by title only. It was moved and seconded that Appropriation Ordinance 91-4 be adopted. The synopsis and committee recommendation of 6-1 was given.

APP.ORD. 91-4

It was moved and seconded that the ordinance be amended to correct a Section 2 figure that was inadvertently omitted. All totals are correct, just the one figure. The amendment received a roll call vote of Ayes:7, Nays:0.

The ordinance, as amended, received a roll call vote of Ayes:6, Nays:1 (Service).

It was moved and seconded that Ordinance 91-48 be introduced and read by title only. Clerk Williams read the ordinance by title. It was moved and seconded that Ordinance 91-48 be adopted. The synopsis and committee report of 7-0 was given.

ORD. 91-48

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

It was moved and seconded that Resolution 91-19 be introduced and read by title only. Clerk Williams read the resolution by title and noted that this is a legally advertised public hearing. It was moved and seconded that Resolution 91-19 be adopted. The synopsis was given. There was no committee recommendation.

RES. 91-19

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

It was moved and seconded that Resolution 91-23 be introduced and read by title only. Clerk Williams read the resolution by title. It was moved and seconded that Resolution 91-23 be adopted. The synopsis and committee recommendation of 5-0-2 was given.

RES. 91-23

Chris Spiek described the tract at 239 W. Grimes just east of the RR tracks. The company manufactures automotive finishing products, such as polishes and waxes and they have requested 5 year tax abatement for the purchase of new equipment. There will be an increase in current job levels at the company.

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

It was moved and seconded that Ordinance 91-46 be introduced and read by title only. Clerk Williams read the ordinance by title.

It was moved and seconded that Ordinance 91-46 be adopted. The synopsis and committee recommendation of 1-2-4 was given.

Tim Mueller said that this area is included in our original historic sites and district survey and was given a favorable recommendation by the Plan Commission. The only objections at committee came from the owners of Lots 1 and 3 in the McPheeters Addition because of constraints that would be put on the use of their property. Since that time there has been an accepted offer to purchase and the buyers are interested in the historic designation and in fact their offer is contingent upon the designation. The Plan Commission and the Historic Designation Committee have already approved the Certificates of Appropriateness. The uses will be residential with numerous options that could allow a reduction of required parking spaces. Low cost residential housing, possibly through the Redevelopment Department is also in the mill. This resolves the only conflict we have had with this historic request.

Teresa Miller a homeowner in the area, urged the council to approve the historic designation for neighborhood stability.

Service said that this might be a useful learning experience for all of us, that is, that historical designation can actually be a plus in the developmental process. This should be done in the neighborhood sense rather than individual property pieces. It is a zoning petition just as other zoning requests that come before the council.

White said we need to be careful in mandating how people use their property and he hopes that we keep an open mind regarding the rights of property owners and we have to make judgement calls about what is good or what is bad. If we have a choice, government should stay out of people's business. This was a good conclusion.

Fernandez said this is about having enough foresight regarding a very difficult decision and the future generations that will benefit from this.

House said it's important to preserve the rights of homeowners as well as preserving the historic designation.

The ordinance received a roll call vote of Ayes:6, Nays:0, Abstain:1 (Regester).

It was moved and seconded that Ordinance 91-47 be introduced and read by title only. Clerk Williams read the ordinance by title.

ORD. 91-47

It was moved and seconded that Ordinance 91-47 be adopted. The synopsis and committee recommendation of 7-0 was given.

The lot in question could have been included in the original request, but was not included at the time of the overall study recommendation.

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

It was moved and seconded that Ordinance 91-45 be introduced and read by title only. Clerk Williams read the ordinance.

ORD. 91-45

It was moved and seconded that Ordinance 91-45 be

adopted. The synopsis and committee recommendation of 6-1 was given.

Tim Mueller said that the original plan called for 3,000 sq.ft. limit on the businesses in the complex. The PCD designation expanded the range of uses but we tried to maintain the spirit of the "step-down" in BA zoning for this area. The current request is for a sporting goods store in excess of 5,000 sq.ft. Mueller said the staff has urged the petitioner to work something out in terms of a more comprehensive package so that we are not dealing with outline plan amendments with each change that comes along when someone expresses interest in their space. The landscaping in the entire center must be brought up to the level discussed. They have done a lot of planting on the site but the residential interfaces are somewhat lacking in landscaping. They are working with the staff on a plan and everyone is confident that it will look good.

Dave Childers, property manager for the complex, said that a plan has been worked out for the landscaping agreeing by early November to plant trees and remove all the debris.

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

Steve Hogan left at 9:30 P.M.

It was moved and seconded that Ordinance 91-44 be introduced and read by title only. Clerk Williams read the ordinance.

ORD. 91-44

It was moved and seconded that Ordinance 91-44 be adopted. The synopsis and committee recommendation of 6-0-1 was given.

Tim Mueller described the tract on the SE of the south end of Hyde Park extending east to Smith Rd. It is closely related to a proposed southerly expansion of Hyde Park and was originally purchased from the original Grossman tract. Part of the site is already designated PUD and rezoned to RS and was originally intended to be developed as part of the Hyde Park expansion. That fell through and it has not been purchased by Hyde Park and the part identified as remnant C is already a PUD. This ordinance takes a small additional tract, about 4 acres (G) and designates a PUD and zones to RS and then the ordinance established a new outline plan for C and D together. The tract includes a farm pond just south of Hyde Park and some floodplain narrowing to Smith Rd. In the first edition of the plan that the Plan Commission saw the road extended from the Hyde Park Addition and the revised plan is the one we have before us this evening with the road coming in at the south edge of existing edge of Hyde Park. The road would be extended along the north edge of the pond and come out at Smith Rd. as proposed. This will allow the cluster of multifamily units to make maximum use of the open space, floodplain and the pond. The new alignment has been favorably reviewed by the staff, the petitioner and the Plan Commission. Most of the debate has focused on the entrance to Smith Rd. The only Hyde Park residents concerns have centered around trees and the connection to Smith Rd. He emphasized that this is an outline plan and is conceptual in nature. The road would come out on Smith Rd between the east fork of Jackson Creek and the row of houses from Sims to Moores Pike. The area is a grassy pasture and any fill for the floodway would have to go through the DNR for approval. It is

likely to be approved and they would require that any fill be balanced by some shaving off of the earth between the fill and the river to allow additional crosssections for the conveyance of floodwaters. It is a county road, requiring a permit from the County Highway Dept. and they have no objection to a cut at this time. A formal decision would be necessary and certain provisions would have to be met. Smith Rd is low volume carrying 2,000 average daily trips. We would like to see some left turn storage in place now even though it is not warranted at this time but there is a crest on the hill, people do speed and a left turn lane makes sense. There would not be a right turn decel lane unless the county engineer requires one. We would prefer to avoid that because of the row of mature Catalpa trees along the Sims property. If temporary easement from the property owners along the east side of the road could be obtained, then a different configuration could be worked out, but for now this is a workable solution. This road link has been planned since 1978 and we have included it in updated thoroughfare plans and we tried to achieve continuous collector streets affording access to our neighborhoods. From a planning point of view, it is imperative that these collector roads exist and as the area urbanizes we will have the opportunity to circulate in the direction people intend to travel. The east fork of Jackson Creek runs along the south edge of the development and it is big enough to be a federally regulated flood plain and any crossing would require a full bridge, not just a culvert so as to convey the 100 year flood. It would be difficult if not impossible to get a developer to extend the road across that stream, so therefore none of our planned thoroughfares are designed to cross that stream. In 1983 the updated maps all included this type of road configuration. He belabored this point several times because this is the focal point of opposition and he wished to point out that road plans have always existed in this area. The 44 attached condo units provide the necessary incentives (density) for the road and at the same time provide diversity in our housing stock. This is very much in line with the recent master plan.

Kiesling asked what would happen if DNR did not allow the development. Mueller said if DNR disallows, then the outline plan is not in effect. If the developer could not implement this road he would have to submit a revised outline plan for Plan Commission as well as Common Council approval. We would probably take a dim view of putting 44 units on a site in which the only access is the internal, local streets of Hyde Park. The street does not need to be designed to be above the 100 year flood plain level. Regarding the culvert, anything this developer does in terms of new fill would have to be consistent with DNR approval. So if the entrance configuration extends as far as the bridge, then the activities they would undertake to widen the bridge would be subject to DNR control. Kiesling had problems with the fact that DNR has not been involved in any of the discussions pertaining to the Jackson Creek drainage.

Regester asked about pedestrian walkway. Mueller said it is a 10ft strip of greenway along the floodplain and we have required from Hyde Park Development a 10ft strip along the back of their lots and a similar strip would be required along the back of Grossmans property. We would like to acquire more of that floodplain over time. If we don't do it now, it should at least be an objective of the parks system for the future. Regester asked when the street has to be installed. Mueller

said the street would be installed to the east side of the pond with the development of the Hyde Park expansion. So they will not be able to record this final plat and start selling lots until that street has been completed or bonded for to the east side of the pond. From there, Smith Rd would be part of Grossman's development and it would have to be done with the development of the project. They would first get their DNR approval, their county approval prior to development plan approval by the Plan Commission and they would develop the road simultaneously with the project and when they are ready to occupy they would have to satisfy us that the road is in place. Can the 64 lots on the 33 acres be developed prior to DNR approval of the Smith Rd access?

Mueller said yes they could. This might take place soon or it might be years from now. Register asked if the road does not go in immediately, how can 64 lots on 33 acres be considered at all if all the traffic dumps onto Olcott Blvd. when 36 lots on 18 acres was shut down due to lack of alternative access. Mueller had no answer for that, saying that he did not shut down the 18 acres. Mueller said we can plan for roads, but we can't affect the timetable, so we get a segment at a time.

Phil Tapp, of Smith Quillman was available for questions.

Service asked if there was any attempt to purchase right of way on the east side of Smith Rd. Tapp was not aware of any. Mueller said the owner of that tract has remonstrated against the development. If we could offset the road, more trees might be saved along the Simms property.

Richard Heinz, a Hyde Park resident, was against the development and said that Hyde Park residents (3) spoke against the development as well as citizens who live on Smith Rd. He said it was his impression that Howard Young himself does not want the development or the road approved. The owner of the land is also not in favor of the condominium approval. This is all some sort of a scheme to jump through hoops to obey some bureaucracy that appears to be present in the city government and was alluded to by Jim Register. It's the city that is insisting on the condos and all the people involved do not want the condos.

Service asked why the owner of the property is the petitioner who is asking for this rezone.

Norman Phillips, another Hyde Park resident, said that he has talked with Grossman today as well as Rod Young and Young said he too does not want the road. He said they had no choice, that they were told they had to put the road in and were told they had no other choice. Grossman also said he didn't want to build condos there and is doing this because he sold some land to Young and he's (Young) in a bind and wants to start development and he can't do it unless there is the assurance of a road there. He said they would like to have a park in this area and Hyde Park residents, if they have time, could buy the land, give it to the city and it would be a beautiful park. Phillips, in talking with Dan Willard said that the area is a designated wetlands and anything having to do with that area would have to be addressed by the Army Corp of Engineers.

Mueller pointed out that developers don't like to extend roads any farther than they need to serve their last lot and if we followed the developers own personal equation of profit and suitability, we wouldn't have

any through roads in the community; everything would be a cul de sac, so the public sector intervenes through planning and approvals to require certain extensions of roads. When the initial proposal came in from Hyde Park to purchase the orange area from Grossman we said that Grossman would not be able to develop the back of his property when he had frontage on two roads, that he would have to provide some street continuity with the initial development of his land.

So we approved the development by Hyde Park of this "orange" area with the condition in the outline plan that they obtain from Grossman the rights to build the road out there and that road be built when the "orange" development was 75% built out. The approval was given for the orange area from Grossmans approximately 160 acres. What happened subsequently is Hyde Park recorded a deed for the "blue area" without Plan Commission approval that did not meet the terms of the approved "orange" area. The Blue area has never had the required Plan Commission approval. Hyde Park did not obtain the rights to build the road out to Smith Rd. They took the "blue" area without getting easement or right of way to build the road out. So when they approached us for approval for development in Tract B, we said "no", because you have not met the terms of the city's outline plan approval and you can't develop it. So negotiations began and an alternative plan whereby Grossman submits a development plan including the road, and we said, fine, as long as someone has an approved development plan that includes the road. Grossman made a sale to Young which was not approved by the Plan Commission per subdivision regulations and now Young is unable to develop his "blue" area unless we solve the dilemma of this road. The representations from the citizens are not entirely accurate and Grossman and Young do have representatives here tonight to present their point of view and this has been ours.

Mueller continued by saying that we have no idea what the future holds for this land (using S.High as a comparison 20 years ago) and the master plan has a 20 year horizon. Two or three years ago we had no idea we were going to build a park here and yet at every hearing we have talked about a 15 ac park and the desire to build the road.

Regester said that based on the premise of needed access what about parcel "B". Mueller said that the Planning Department would not recommend any development of "B" without this access in place.

Mrs. Phillips discussed the road and said that Grossman said he did not want the road and he did not want condos there either. At this point Lynn Coyne raised a point of order and said that Phillips was not authorized to speak for Dr. Grossman, nor is Mr. Phillips. She said Grossman gave her permission to quote him and make these remarks on his behalf.

Rudy Savich, representing the Sinns and Freys said the net effect of an approval vote will be that the stub will have to be built across the beautiful pond that will not connect to anything. Grossman isn't ever going to complete the road so why is he going to be required to ruin the pond with the stub over the route of the existing levy which is only 8ft wide. Going from a 8ft levy to a 50 ft

right of way will require tremendous amounts of fill and totally change the nature of the area.

Libby Frey said there are physical constraints about the proposed road. She said that Dan Willard said this

is a natural wetland and in 1984, Grossman built the causeway to the north impeding the natural drainage into the pond. Willard is concerned and willing to do a study to determine the extent of the natural woodland and how development would impede the drainage system. She showed pictures of flooding that occur quite frequently with just a normal rainfall.

Mueller said he had just talked with Grossman on the telephone, and Grossman said his position has been misinterpreted and as a developer he wasn't interested in putting the road in but is behind this proposal and would like to have this approval in the event that he may one day market it.

Frey gave the Clerk a copy of Willards letter for the record.

Kirk said it is unfortunate that our petitioners have said some things that are causing confusion and he was concerned about some of the points brought forth. We seem to get into adversarial positions with our developers and that isn't good. At other times we didn't require certain things to happen and now we are paying the price making improvements some twenty years later.

Lynn Coyne representing Grossman, said Grossman wants it approved and adopted. Of course, he doesn't want to build the road, but if it is required he will do so. Is he going to develop this land, no, he isn't a developer but he would sell it to someone who would. This petition ties in with Young and assures a road at some point in time.

White asked about the July 8 Plan Commission staff report stating Young and Grossman together on the petition. Coyne said at that time they were together and then split apart. Mueller there were two cases, two petitions, one for Youngs tract and one for Grossman. Because they were related it was expedient to write a single staff report describing the two, but they are two distinct cases, petitions and Plan Commission votes

Service agreed with Mueller said that connecting roads are a high priority matter and it's a given that people in existing housing object to surrounding development, that developers don't want to spend money to build roads and the only priority that might be higher is a park in that area and the preservation of that park. She questioned if the neighbors could raise the money to buy the land for a park. Perhaps it should be tabled and see what might be done.

Mueller commented on parks and how developers or homeowners state that an area would make a nice park. He reminded everyone about the master plan and all the people involved in that process. A park is proposed in the more southern area of this section. At \$30,000 per acre for a 15 ac tract we need to be realistic about what we can reasonably do.

Fernandez asked about the wetland questions. Mueller said that he has toured the tract with numerous councilmembers to take a look for themselves as well as with members of the soil conservation service and the DNR who are charged with determining what is and what isn't a wetland. Dr. Willard was asked to assist with this process and we were advised that this is not a wetland, nor would it be problematic to secure the fill in that area from the appropriate authorities. He



said we have a red herring before us and every one who has looked at it knows just what the character of the tract is. We are not a flat community and all our drainage moves in intermittent swales. The area does not qualify as a wetlands from a soil as well as a plant life perspective either. The master plan does say not to cut and fill in floodplain and that is a legitimate objective. But we knew that in implementation we would have to weigh all the various objectives in the petition. In this case it is minimal and therefore a very desirable balance.

Libby Frey wanted the 18 ac that was talked about in February, the wetlands and the pond to be considered as a single unit and she asked for a study by Dan Willard and said we should think about this as a long range project.

Phil Tapp said the burden of constructing the roadway is the Young's responsibility and they have hired a wetlands consultant.

Regester again asked about the stub and Mueller said the revised development plan requires that Hyde Park be responsible for the road to the east side of the pond (Regester interjected that will be part of their development plan(the road) and what is involved with regard to DNR approval. Tapp said some permitting comes through the Army Corp of Engineers and some through DNR. Mueller said the causeway will have to be widened out and some farm pond will be lost. Things are changing rapidly, we only heard about wetlands for the first time in many years, this year, and these regulations have been in place for a long, long, time without any means of enforcement. Debate is taking place on a national level and the new regs will be much more selective as to what they define as a wetland.

Service thought it might be wise to postpone the petition for several reasons to see if we could get anywhere on the park issue and with only 6 councilmembers here this evening it could be defeated (5 votes are needed for approval). Sherman stated that by not acting within 90 days from the Plan Commission certification of approval (July 9), this ordinance would go into effect. We have until early October to act on this legislation before it would automatically go into effect.

Lynn Coyne asked what the council would ask of the petitioner at this point. Service said because of neighbors who want to purchase it as a park, and secondly is the petitioner willing to sell it for that purpose it might be worth tabling. Sherman said that October 2 would be the last day the council could act on this petition. A motion to postpone to a certain date is a possibility, said Sherman.

Regester said he needed more information, as did White. House asked if this is an officially declared wetland. Mueller said the federal wetland regulation does not make an official classification of lands. It is a matter of standards and if you meet the standards you are a wetland and if you don't, you are not. There are a lot of gray areas. The pond itself is a wetland. The EPA is in the process of revising all of this, House said.

Dave Porter thought the council should vote no. The city's environmental record is scandalous with protecting wetlands, whether defined by the Army Corp of Engineers or a wader. He objected to what the city

did at Twin Lakes and 2nd Street and we seem to be going ahead and doing it again. The very assets that people value and cause them to want to live here are being plowed under.

Mueller said make no mistake, the developers would rather not be building a road, but they do want this development. They have plans and consultants ready to go with this plan and they want to see this through, be out of this dilemma and free to develop Tract B.

Service moved that this ordinance be postponed until the October 2 meeting. Kiesling seconded. White said that at least we are planning ahead to get the planning proposals in place, there has been much discussion and we have the recommendation of the plan department and the commission and the petitioner does want the approval, therefore why continue it for another month. He thought we should move ahead and make a decision this evening.

Rudy Savich said that if Grossman is going to sell the land to a third party for development there is still a question as to that person getting all the approvals from the county as well as the state. If is possible to pass it tonight, build the stub, Grossman sell it to a third party and that party would not be able to develop it due to lack of permits (bridge, wetland, accel or decel lanes).

White, reading from a Plan Dept. staff report said that if approval for the road extension is denied by state agencies or if a better road site were to become available, then the commission would have the discretion to require the developer of this site to contribute to the development of the other road and not build one. But the stub would still be there.

Regester asked Mrs. Phillips as a resident of Hyde Park if she had an opinion if the traffic from the 64 home sites at the end of Olcott Blvd. should access exclusively to Olcott and travel through Hyde Park or would a secondary access either to Kensington or Smith Rd. is appropriate. Mrs. Phillips said that she thought it would nice for the residents of the proposed area if they had an access over through Kensington so that they could get to the southern part of Bloomington readily as well as access off Olcott through Winston. She did not see the need to get to Smith Rd. as, "there just isn't much over there".

Kiesling queried that if we postponed would be have more answers from DNR? Service thought a two month delay would give the beavers as well as the neighbors some opportunity to see if this is feasible

Coyne said the petitioner want the PUD approval the way it is. The petitioners position or price will not be changed with regards to parkland or develop land whether it is tabled or not. The tabling will do nothing. He pointed out that this is simply outline plan approval and there will be no applications for DNR permits between now and October 2.

Mueller said that typically the way that subdivisions work is the preliminary plat approval is obtained, you get your permits, start building and somewhere in the course of the construction a final plat is recorded that enables you to sell the lots and before the final plat is recorded. The improvements must be completed or post a guarantee and that is provided for in the

code. Outline plan approvals give people the right to develop the project and then they invest in engineering and finally they develop. Mueller said the assurance that it could be built would have to be included in both the approval and the specifications.

Service asked about the petitioner returning after non-passage this evening, and if there are not 5 votes for this, would that mean that the petitioner could not come back with the same plan for 6 or 12 months. Sherman said because it was approved at the Plan Commission stage and because of that the ban of coming before the council is not in effect. It would have to be denied by both the Plan Commission and the Council. There has to be 5 votes one way or another, 4 votes is a non-action. Sherman said a majority is needed and 5 is a majority.

The motion to postpone was denied by a vote of Ayes:2 (Fernandez, Service), Nays:4.

Register restated the need for a secondary access road and the people on Olcott Blvd. deserve that. He asked why the road site was changed from south of the pond to north of the pond. Mueller said that less interference with the floodplain was the reason.

Charlie Sinn told the council that the pond was built when the gasline went through and there is a natural spring as well as a swale in this marshland.

Fernandez agreed with the development of "B" as a tract, the concept of clustered housing but there is the problem of Smith Road and who is going to fix it with all this development we are planning. He did not have a problem with developing "B" but there are still questions that continue to linger.

Register asked about the gas easement and Phil Tapp did not know.

He also asked if the petitioner would agree, voluntarily, to not put in the causeway improvement, but to bond or post a bond or letter of credit, so that they are obligated to do it, but that it is not done ahead of time. Coyne said he was sure they would agree to that (laughter). Tapp asked if the wetlands study would also be waived until such time that it became apparent that it would be necessary. Mueller said they would have to secure the necessary approvals and then they would be free to bond.

Kiesling said she would vote against this because we have no information regarding utilities going in or approvals from other entities. There are floodplain problems and we haven't done enough homework and she did not like all the back and forth between petitioner and so on.

The ordinance received a roll call vote of Ayes:4, Nays:2 (Kiesling, Fernandez). The ordinance failed to receive 5 votes, which is necessary for pass/fail, therefore, no action has been taken.

It was moved and seconded that Resolution 91-22 be introduced and read by title only. Clerk Williams read the resolution by title.

RES. 91-22

It was moved and seconded that Resolution 91-22 be adopted. The synopsis and committee recommendation of 5-0-2 was given.

Mike Davis recapped a few points, all of which are highlighted in the introduction to the plan. There

will be annual updates to the plan, and it is just that, a plan. All major projects are included in the plan and have been evaluated and reviewed with the updated master plan in mind through the use of a project matrix and how they correlate to the master plan. On III-10 changes were made regarding the west corridor (3rd St and/or 2nd St.). There is no funding for environmental studies for this project before 1995 and 2000. Many, many meetings will take place in the years to come before any decision is made. Also, some specifications under Utilities, VII-4 through VII-7, deal with projections for the next few years.

White said this is a plan, not specifics, but lists priorities that we think are important. He wasn't sure it was necessary to get from K-Mart to K-Mart in 5 minutes and a southerly by-pass in a less developed area is worth looking at over the long run. He expressed concern about downtown to by-pass traffic as another hot spot. Service reminded everyone that this is not a commitment to dollars and cents at this point.

Sandy Clothier, representing the Near West Side Neighborhood Association, said there was confusion about the east-west corridor and even tho money is not being appropriated tonight for this corridor, there is money to widen Rogers from 2nd to 5th Street and that will impact this whole thoroughfare plan. Each road impacts another and we are concerned that it will become a fait accompli. With better traffic signals and left turn lanes, many people think there is no need to widen roads at all. Ben Waxler, also a west side resident, agreed with Clothier's comments. Richard Martin was encouraged that the plan addressed the major projects the city hoped to embark upon in the next 5 years but he was disappointed in several aspects and disgusted with others. The Plan Matrix does not fit with the master plan in language, titles, community development plans or orders of priority. He cited numerous other areas of disagreement.

Mike Davis justified the plan and explained how the decisions were made.

White said he hoped Mr. Martin would provide us with his numerical values for the project matrix. Everyone expressed thanks to Martin for his time and willingness to review the document and make his presentation.

Martin said he was willing to write up his comments.

The resolution received a roll call vote of Ayes:6, Nays:0.

It was moved and seconded that Resolution 91-25 be introduced and read by title only. Clerk Williams read the resolution by title.

RES. 91-25

It was moved and seconded that Resolution 91-25 be adopted. They synopsis and committee recommendation of 7-0 was given.

Mike Davis said the city has owned this facility for some time and now we would like to sell it for a nominal fee each year to Ray of Love, Inc., creating an affordable housing fund. There is a federally funded Home Program, which is a matching fund program, and Bloomington could possibly leverage up to \$700-800,000/year for affordable housing depending upon what the feds do. The appropriating of funds will require council approval. There will be a public hearing on October 13 at the Older American Center for the comprehensive plan qualifying us for this funding.

The resolution received a roll call vote of Ayes:6,  
Nays:0

There was no legislation for first reading.  
It was determined that the council would meet on  
September 11, 1991 for a regular council meeting,  
followed by a committee of the whole. Sherman restated  
the Grossman vote consequences and the need to  
reschedule. Kiesling moved and it was seconded and  
approved by a voice vote that we meet on September 11,  
1991 and that the Grossman petition be heard at that  
time.

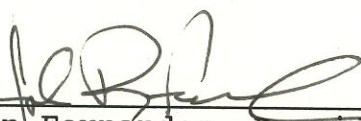
FIRST READINGS  
(NONE)

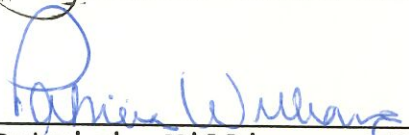
There were no petitions or communications from the  
public.

PETITIONS

The meeting was adjourned at 12:15 A.M.

ADJOURNMENT

  
\_\_\_\_\_  
John Fernandez, President  
Bloomington Common Council

  
\_\_\_\_\_  
Patricia Williams, CLERK  
City of Bloomington