

In the Council Chambers of the Municipal Building held
on Wednesday, December 19, 1990, at 7:30 P.M. with COMMON COUNCIL
Council President Kiesling presiding over a Regular REGULAR SESSION
Session of the Common Council. DECEMBER 19, 1990

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

Kiesling gave the agenda summation. AGENDA SUMMATION

The minutes of December 5, 1990 were approved by a voice vote. APPROVAL OF MINUTES

Service asked people to support the Bloomington Canopy of Lights program. She noted the I.U. Student Building fire this week. She hoped that in the coming year that councilmembers would do what they were actually elected to do and put partisan political issues aside. MESSAGES FROM COUNCILMEMBERS

White commended the city fire department for the wonderful job they did fighting the I.U. Student Building fire and the fact that no one was injured. He thanked Kathy Saunders for her friendship and assistance as she prepares to leave Bloomington. Olcott said he was disappointed in the leadership of the council for putting items that he, as a councilmember cannot do anything about, that he will work hard on any city board or issue and if people want to send a message to our congressmen or senators, that is fine when done as an individual or as a group. The city council is not a forum for that kind of issue. (Recent peace resolution).

He also noted the death of Ralph Floyd, the Athletic Director.

Foley dittoed the many good comments made this evening and House's comments to come. He felt that the council does have a right to debate and articulate opinions, and it is not a political issue.

House said he would comment on the issue when the resolution is on the agenda next year. He commended the VFW for bumper stickers that support our troops in Saudi Arabia. He wished I.U. luck in the Peach Bowl.

Regester thanked Kathy Saunders for her help and assistance in the past three years.

Kiesling said that she supported a peaceful solution in the gulf. She commended the administration on the new recycling bins that were delivered this week. She also thanked Saunders for her service and counsel to the council. She wished everyone health, happiness and peace.

Mayor Allison also noted the death of Ralph Floyd. She also praised the work of our fire department. She wished Saunders luck and happiness in her new life. She gave Mike Farmer of Utilities recognition for the fine job the department does in terrible weather under trying conditions and also for the department's response to the recent blood drive request that helped us make our quota for the Red Cross. She said she would send, under her signature, a letter to the president and congress urging a peaceful solution to the middle east crisis. MESSAGE FROM THE MAYOR

Pat Williams presented an encomium to Kathy Saunders. Kathy thanked everyone for the warm send off and the very good and satisfying experiences that she has enjoyed as council attorney. ENCOMIUM FOR KATHY SAUNDERS

It was moved, seconded and approved by a voice vote that Dan Sherman be appointed as Council Administrator and Attorney. Sherman said he was looking forward to working with everyone. COUNCIL ADM/ATTY APPOINTMENT

It was moved and seconded that Resolution 90-38 be introduced and read by title only. Clerk Williams read the resolution.

FIRST READINGS
RES. 90-38

It was moved and seconded that Resolution 90-38 be adopted. The synopsis and committee report of 4-0 was given.

Glenda Morrison said this resolution commits the TIF fund for the parking lot that will go with the hotel/convention center. Figures from our consultant based on the prior assessed value were based on the tax abatements currently in place and the tax abatement for a hotel. Umbaugh said that the TIF would work without the hotel and the coverage would be lowered to 120-125% instead of 150% that was previously discussed and that we can buy and build a parking lot with the funds that will be available. Income should cover the operating costs estimated to be \$50-60,000 per year and income at \$5-6 per day per space should cover that. Olcott noted that the property for the hotel is being held and is not part of the purchase by the city.

It was moved and seconded that an amendment to delete the requirement that both the hotel/convention center be in the process of construction/renovation before the city may use TIF revenues to construct a parking lot. This amendment would require that only the convention center be built at the same time as the city parking lot.

Lee Marchant said that there is almost a universal political consensus for this project. He commended the Cook company for their patience and diligence for this project. He said that the committee is totally committed to all three legs of the project- parking, center and hotel- but the convention center is capable of standing alone if the hotel were not built at this time. He quoted Bernard Perry as the consultant. He also said that land for a hotel will be held if necessary. The Elmore group has not given up despite this being the worse part of a recession cycle. He urged passage of this resolution and thanked everyone for working toward this goal.

He said the board supports the amendment.

Kent Moore spoke against the convention center as it would be drawing traffic to Bloomington with very poor means of getting into our city. He asked who would pay for the road improvements.

The amendment received a roll call vote of Ayes:8,
Nays:0

The resolution, as amended, received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Resolution 90-42 be introduced and read by title only. Clerk Williams read the resolution by title.

RES. 90-42

It was moved and seconded that Resolution 90-42 be adopted. The synopsis and committee report of 4-0 was given.

Norm Merrifield of the Parks Department commended everyone involved in getting this resolution in place, particularly Vicki Mays and Marie Webster. Marie Webster of the USB and Chairman of the Property Subcommittee worked within the master plan context regarding parks and utilities in reviewing this proposal to make Griffy Woods a Nature Preserve. The area is a 240 acre tract. We do use water from Griffy every day, as much as half a million gallons and in summer sometimes over 2 million gallons a day. The Utilities Department does plan to keep the water treatment plant operable. The Parks Dept. leased land

from Utilities in 1971 by means of a 25 year lease with an option for a 25 year renewal leasing the, area to the parks subject to the expressed condition that the primary use and management shall be as a water resource to the city. She thanked Pam Service for her participation in this long process. All the councilmembers expressed support for this project

The resolution received a roll call vote of Ayes:8,
Nays:0.

It was moved and seconded that Ordinance 90-49 be introduced and read by title only. Clerk Williams read the ordinance.

ORD. 90-49

It was moved and seconded that Ordinance 90-49 be adopted. The synopsis and committee report of 4-0 was given.

Ted Rhinehart said that this ordinance as amended would phase in our increased leased parking fees as it relates to parking lot maintenance and repair. The amendment was proposed by the downtown business community. The debt service for parking as well as general maintenance has been funded by general fund monies. The fee increase would cover maintenance increases and the general fund would continue to pay the debt service expenses. He also discussed increasing the fee structure for parking tickets to be considered early next year, to again assist in the maintenance costs of parking garages and lots.

It was moved and seconded that the amendment phasing in the leased fee structure over a period of three years be approved.

Rhinehart said that we can cover our maintenance needs at this time especially if we come back next year with a review of the fine structure and consider an increase in those fees as well as a reconsideration of meter fees.

The amendment received a roll call vote of Ayes:8,
Nays:0.

Hogan expressed concern about what we are accomplishing with our downtown program with the meters and garages. When the programs were set up fees and fines were more than paying for what it took to run and maintain them. Now all of a sudden we have a million dollar bureaucracy set up in lots, meters, meter people and we are losing money on it. He was concerned that we are becoming like Indianapolis, and the methods have become so complex that if you shop too long it costs you a fortune or if you work downtown you are actually being taxed. The stepped-in amendment is more palatable than the 25-35% increase. Minimum wage downtown employees have not had that kind of salary increases and \$15 a quarter is a big chunk of money for them. We want to encourage people to shop downtown and should not be relying on increased revenues from the service employee. Ted Rhinehart said that this was the sentiment of the downtown association and they preferred that we look at across the board fee increases as well as meters and leases and not just one segment of the market. This allows us to prepare for the future so that massive increases do not occur again. Because of our large investment in what is a 30-40 year garage lifecycle, an ongoing program each year will prevent major cost increases in the future.

The Mayor said that the downtown merchants, who are in touch with their employees and customers, are content

with the current plan and proposal for next year. Employees are now in the garages or lots. We are very low compared to the other second class cities, as far as fees are concerned.

The ordinance, as amended, received a roll call vote of Ayes:7, Nays:1 (Hogan).

It was moved and seconded that Ordinance 90-54 be introduced and read by title only. Clerk Williams read the ordinance by title.

ORD. 90-54

It was moved and seconded that Ordinance 90-54 be adopted. The synopsis and committee report of 4-0 was given.

This ordinance authorizes a repayment to the parking meter fund from the general fund. The monies were borrowed to purchase land for the new fire station. The monies are now being paid back from the bond sale. Charles Ruckman was available for questions. Register asked about the status of the west side industry fund. Ruckman said that all of the street bond advances were paid back last summer and that both west side and parking meter funds were used for advances to pay for the fire station project. This is the total for parking meter and west side industries and the total is about \$189,000 and will be repaid to the west side fund by the end of the year and there will then be no outstanding advances on that fund.

The ordinance received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 90-55 be introduced and read by title only. Clerk Williams read the ordinance by title.

ORD. 90-55

It was moved and seconded that Ordinance 90-55 be adopted. The synopsis and committee report of 4-0 was given.

Chuck Ruckman was available for questions and said that this transfer will keep us in line with the actuary's projection for the highest level of payroll contribution and this enables us to manage the funds through the year 2003-2004. With this type of transfer this year and in future years we can hold the cost to about 5% a year.

The ordinance received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 90-58 be introduced and read by title only. Clerk Williams read the ordinance by title.

ORD. 90-58

It was moved and seconded that Ordinance 90-58 be adopted. The synopsis and committee report of 4-0 was given.

Chuck Ruckman said that this ordinance allows for shortfalls in salaries to accommodate employee overlaps before leaving city employ, as well as accrued vacation time in Animal Shelter, City Council and Police Pension.

The ordinance received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 90-59 be introduced and read by title only. Clerk Williams read the ordinance by title.

ORD. 90-59

It was moved and seconded that Ordinance 90-59 be adopted. The synopsis and committee report of 4-0 was given.

This upgrade is in the Parks Department and is a result of the creation of new programs in Art Department and the Teen Coordinator position in Maplefoot Park.

The ordinance received a roll call vote of Ayes:8,
Nays:0.

It was moved and seconded that Ordinance 90-60 be introduced and read by title only. Clerk Williams read the ordinance.

ORD. 90-60

It was moved and seconded that Ordinance 90-60 be adopted. The synopsis and committee report of 2-0-2 was given.

Tim Mueller gave a brief description of the tract requesting a PCD designation on an outline plan for one professional office building. This is in a RE zone and most of the valley is also in a flood zone. Residential is not permitted and this has put us in a position to rezone for some type of non-residential land use when a request is made. The current site is a mixed zone. The Plan Commission finally approved a single building after numerous revisions by the petitioner. Stone Road that is currently serving the area will remain in place with the concept that in the future it might become something of a service drive. The back of the building will set back into the slope with two functional stories, with an all brick facade. As the master plan develops it is quite possible that this should be a scenic corridor in which development is discouraged. In the extreme we would have to purchase development rights from the property owners in the area, and since this is a flood plain this is not as far fetched as it might seem. Realistically it is still possible to achieve a scenic corridor with well regulated, architecturally nice, minimum development in those areas outside the meandering flood plain in that area. This proposal is consistent with that fall back position. Mueller said that John Fernandez took the position that this request should be postponed until after the master plan is in place.

The conditions of approval were that only 4 acres of the 6.7 be approved, that Stone Mt. Rd be relocated, that only one building be approved and that landscaping approval also be obtained by the Plan Commission. In the past we have paid only cursory attention to architectural design and in this case the Plan Commission wishes to retain architectural control in anticipation of a scenic corridor. The Commission also retains the right to require adjustments to tree preservation plans if necessary. The amended list of uses is the PCD is for the entire 6.7 acres and the balance would be shown on the plan as open space. There is also signage control and the deletion of educational services and cultural facilities from the list of uses and specification that laboratory and research facilities would not be permitted as primary uses. They would have to be accessory to an office function. and finally the Commission and the Council will retain the right to rescind the PCD designation if not developed as presented. Our code specifies that if a development plan is not filed within 18 months of approval, it can be reconsidered. It doesn't say what happens in our code, state law takes over at that point and specifies the full rezoning process. It's a rather impractical standard and it has not been enforced over the years, but there has been a lot of recent interest in that and for that reason the petitioner has been asked to acknowledge his willingness to accept that proposition.

Olcott observed that Stone Mt. Rd. goes through the parking lot and Mueller said we would have to be concerned about setbacks and the number of parking

spaces. Traffic would come off Whisnand Rd., not S.R. 37.

Hogan asked about sidewalks. Mueller said that the requirement applies to all development and as it moves along we will decide if we wish to defer them at this time.

Mueller said we have been deferring, not waiving them in that area.

Steve Alexander, the architect for Dan Flick, presented renderings of the project and said that their plan will accommodate whatever direction the master plan goes. Surrounding property owners support this plan. The entry to Bloomington was the big issue, since the master plan is not actually in place. There is always a problem with implementation with a plan, not enough money to finance implementation of the plan and then the flood gates open up with petitioners to attempt to change the plan.

White asked about residential development in a flood plain. Mueller said that building could occur on top of the hill, but not the slope within the flood plain.

Service said that she was going to change her vote from a pass to a no, because this is an entry corridor and we are in a sense all owners of this tract and she thought it was best to wait until the master plan was completed rather than have this squeak in before plan passage.

In response to White's questions about the plan for the area in general, Mueller said the plan does call for fairly extensive areas for employment type industries rather than manufacturing, service and office. It includes an area north of the high school as well as the Don Mitchell/Terry Cockerham rezoning on the west side of the road. He reminded that these are all consultant proposals at this time and not council approved policy.

At this time it is to be a scenic corridor and the current flood plain contributes to that end.

The ordinance received a roll call vote of Ayes:5, Nays:3 (Kiesling, White, Service).

It was moved and seconded that Resolution 90-41 be introduced and read by title only. Clerk Williams read the resolution by title.

RES. 90-41

It was moved and seconded that Resolution 90-41 be adopted. The synopsis and committee report was 4-0.

Tim Mueller said the area is the SW corner of Country Club and S. Walnut. The shopping center occupies about 10 of the 25 acres and the balance of the site will remain open. The center will have 58,000 sq.ft. of space in a typical strip fashion with a small grocery store as the anchor as well as an outlot area for either 2 small or one large outlot area. We are also taking in a piece of Country Club Drive.

Brian Hacker was available for questions. He said the city will be responsible for part of Country Club Drive and the developer will be responsible for improvements all the way west to the creek.

Hogan objected to the concept of outlots. Shopping centers are not ugly in themselves, but the different outlot structures just don't tie together well and they are ugly.

Service expressed no support for this development or the developer and the way they overturned the historic zoning in order to get their way as well as violating landscaping agreements by tearing out trees and vegetation; and so if the city can get something out of

them, she would support the annexation.

The resolution received a roll call vote of Ayes:8,
Nays:0.

It was moved and seconded that Ordinance 90-61 be introduced and read by the Clerk by title only. Clerk Williams read the ordinance.
It was moved and seconded that Ordinance 90-61 be adopted. The synopsis and committee report of 4-0 was given.

ORD. 90-61

It was moved and seconded that the ordinance be amended to contain the correct legal description.
The amendment received a roll call vote of Ayes:8,
Nays:0.

The ordinance, as amended, received a roll call vote of Ayes:8, Nays:0.

There was no legislation for first reading.

FIRST READINGS

Tim Mueller said that there has been a little slow down in getting the Master Plan first draft from the consultant. He said the Plan Commission and Council joint meeting tentatively scheduled for January 9 will have to be rescheduled for a later date.
Kiesling asked Mueller to give the councilmembers whatever materials he gives to the Plan Commission.

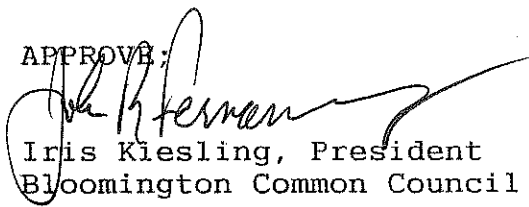
PETITIONS

Bill Breeden thanked Kiesling and commended the Mayor for their support for peace in the middle east.
Nancy Guffy also spoke in support of the peace resolution and urged the council to reconsider it.
Doreen Cornwell also thanked the Mayor for her letter and thanked the council for their support.
Michael Wenzler also spoke in favor of the resolution and against the war.
Kent Moore thanked the council for their role in the whole Rails to Trails program and how wonderful it is to have these trails to walk. He was also against the U.S. activity in the gulf.

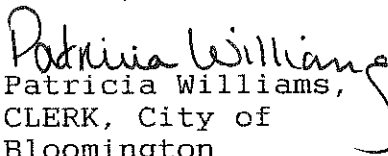
The meeting was adjourned at 10:20 P.M.

ADJOURNMENT

APPROVE:


Iris Kiesling, President
Bloomington Common Council

ATTEST;


Patricia Williams,
CLERK, City of
Bloomington