

AGENDA

COMMON COUNCIL REGULAR SESSSION

7:30 PM, WEDNESDAY, DECEMBER 4, 1985

COUNCIL CHAMBERS

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR NOVEMBER 20, 1985

IV. REPORTS FROM:

1. COUNCILMEMBERS
2. THE MAYOR AND CITY OFFICES
3. COUNCIL COMMITTEES

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 85-61 To Transfer Appropriations Within the General Fund (Animal Control and Controller)

Committee Recommendation: None

2. Resolution 85-44 To Designate the Princess Theater Property Located on North Walnut Street as an Economic Revitalization Area

Committee Recommendation: None

3. Resolution 85-40 Resolution of the Bloomington Common Council Approving Plans and Specifications for the Parking Facility to be Located at Fourth and Walnut Streets in Bloomington, Indiana

Committee Recommendation: None

4. Ordinance 85-60 An Ordinance Authorizing the City of Bloomington to Issue its "Economic Development Revenue Bonds, Series A" (Woodbridge III Project) and Approving Other Actions in Respect Thereto

Committee Recommendation: None

5. Ordinance 85-58 To Amend the Comprehensive Plan as It Relates to Land Use in the Area Bounded by Henderson Street, Hillside Drive, High Street, and Winslow Road (Winslow Woods Neighborhood)

Committee Recommendation: None

6. Ordinance 85-59 To Grant Outline Approval and PUD Designation Re: North Side of Winslow Road West of Highland Avenue (Winslow Family)

Committee Recommendation: None

7. Ordinance 85-64 To Amend the Outline Plan for the PUD Re: South Sare Road (Howard Young)

Committee Recommendation: None

8. Ordinance 85-65 To Amend the Bloomington Zoning Maps from RE to RS re: South Sare Road (Howard Young)

Committee Recommendation: None

#### VII. FIRST READINGS:

1. Ordinance 85-68 To Amend the 1986 Salary Ordinance for Appointed Officials of the City of Bloomington to Bring the Ordinance into Compliance with Federal Fair Labor Standards Act

2. Ordinance 85-66 To Vacate a Public Parcel Re: South of 13th Street between Fess and Forrest

3. Ordinance 85-63 An Ordinance Authorizing the City of Bloomington to Issue its "Economic Development Revenue Bonds, Series A" (Haskel Prock Project) and Approving Other Actions in Respect Thereto

4. Ordinance 85-69 An Ordinance Authorizing Modification of Issuance of Economic Development Revenue Bonds Previously Authorized by the City of Bloomington for Peck, Inc.,

5. Ordinance 85-67 To Amend Chapter 2.21 "Department of Law" of Title 2 of the Bloomington Municipal Code (Human Rights Commission)

6. Resolution 85-43 Resolution Approving and Adopting a Fiscal Plan for the Annexation of Adjacent and Contiguous Territory (West Third Street Area)

7. Ordinance 85-62 Ordinance Concerning the Annexation of Adjacent and Contiguous Property (West Third Street Area)

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 45 minutes maximum, with each speaker limited to five minutes.)

#### IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, December 4, 1985, at 7:30 P.M. with Council President Gross presiding over a Regular Session of the Common Council.

Roll Call: Service, Porter, Register, Olcott, Gross, Mayer, Foley, Young. (Murphy arrived at 8:40 PM)

ROLL CALL

Gross gave the Agenda Summation.

AGENDA SUMMATION

The Minutes of 11/20/85 were approved by voice vote.

MINUTE APPROVAL

Service said that the hearings on the Westinghouse initial plans emphasized to her the importance of the community making comments over the next few months. This is where public input will count, at this point the City can say, "We don't like it, change it." Although the structure for input is not clear, the plans will be available and the Mayor has given out an outline of the hearings schedule.

MESSAGES FROM COUNCILMEMBERS

Gross quoted Joe Karagainis in the H-T as saying that he attended 15 public meetings and they were not very satisfying. She apologized to people who did participate. Much was learned and there were good dialogues; mainly at the meetings that Karagainis did not attend.

There were no Mayoral or Council Committee messages.

Olcott moved and Foley seconded the motion that Ordinance 85-61 be introduced and read by title only. Deputy Clerk Fernandes read the Ordinance by title only. Olcott moved and Foley seconded the motion that Ordinance 85-61 be adopted. There was no Committee report. Gross read the synopsis.

SECOND READINGS  
ORD. 85-61

Controller Merriman said that this was the traditional year end transfer. Mayer asked if it was a transfer within departments. Merriman said it was.

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

Olcott moved and Foley seconded the motion that Resolution 85-44 be introduced and read by title only. Deputy Clerk Fernandes read the Resolution by title only. Olcott moved and Foley seconded the motion that Resolution 85-44 be adopted. There was no Committee report. Gross read the synopsis.

RES. 85-44

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Redevelopment Director Morrison passed out the staff report and explained that the Princess Theatre was now owned by Michael Pollack and his company, Abodes. She noted that the BZA had already granted a variance for parking, sideyards, etc. The estimated cost of the renovation is \$400,000 with an abatement of 46%.

Mayer asked if this would affect the Faris grocery loading. Pollack replied that it would not as they load on the east side. Mayer was also concerned about the affect on the residents of the music from the Bluebird. Pollack said that a structural engineer has been in the Bluebird and Pollack will fund the soundproofing.

Olcott wanted to know if there were any plans to renovate the whole quarter block. Pollack said he didn't think so. Porter asked about the front door on the alley units; Pollack explained that they were set back from the alley 3 feet and had a short wall on the alley as a buffer.

Service noted she was glad to see this project and others bringing residents to downtown. Young asked if there was access from the front and rear for all 6 apartments. Pollack said there were. Register asked if the current Municipal Code inhibits new residential construction downtown. Morrison said the parking requirements may make it difficult but that this project shows the City is willing to work with developers as the BZA lowered the parking requirements.

Olcott moved and Foley seconded the motion that Resolution 85-40 be introduced and read by title only. Deputy Clerk Fernandes read the resolution by title only. Olcott moved and Foley seconded the motion that Resolution 85-40 be adopted. There was no Committee report. Gross read the synopsis.

RES. 85-40

Jim Wray said that the garage could go underground more than expected as they found no rock underneath. As to the design, he said they had removed some corner stairs from the original as they weren't needed, and also that entry can't be made from Walnut as the first floor has been lowered.

Service asked if the building would be stressed to enable more stories on top. Wray said no. Olcott asked if the City bought the Morrow building in the future could we get out on the south side of the garage. Dean Benke, City Engineer, said yes, as the offset was 20 feet.

Regester thanked everyone for the untold hours put in on the project, and noted that IU had sent their architect to help out. Regester said that they had covered all the areas, and felt they were getting the most for the dollar. Mayer thanked Steve Smith, chairman, and Benke. Gross thanked the holding corporation for their work.

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

Olcott moved and Foley seconded the motion that Ordinance 85-60 be introduced and read by title only. Deputy Clerk Fernandes read the ordinance by title only. Olcott moved and Foley seconded the motion that Ordinance 85-60 be adopted. There was no Committee report. Gross read the synopsis.

ORD. 85-60

Joe O'Connor, petitioner's attorney, said this was the result of an inducement resolution passed by Council and is essentially the same, except for many minor changes dealing with the financial terms. The changes clarify the terms of transaction and do not change substance. It does allow issuance of a note less than 12.6 million, possibly 12.4 million. He introduced a representative of the Glick corporation, Joe Vicesi, who said the EDC approved the amended ordinance 5-0 that afternoon.

Regester asked Lipkin if O'Connor was right. Lipkin said that he was, as far as she knew; she had not had a chance to read the amended ordinance. Regester moved and Foley seconded a motion to approve the amendment to the ordinance. The amendment received a roll call vote of Ayes: 8, Nays: 0.

Gross noted that the amendments were incorporated in the "Final" version of 85-60. The Ordinance received a roll call vote of Ayes: 7, Nays: 1 (Service)

Olcott moved and Foley seconded the motion that Ordinance 85-58 be introduced and read by title only. Deputy Clerk Fernandes read the ordinance by title only. Olcott moved and Foley seconded the motion that Ordinance 85-58 be adopted. There was no Committee report. Gross read the synopsis.

ORD. 85-58

Tim Mueller, Planning Director, explained that this request has had lengthy Plan Commission consideration, and he felt that it had been settled to everyone's satisfaction in a process similar to the plan which was developed for the area around BHS North. He said that there is a lot of vacant land in this area, all zoned RS except for the Prock PUD. There is pressure to develop and interest in this on the part of the families owning property there.

As the planners felt it was time to look at the general land use in this area, a process of gathering neighborhood input was begun. Mueller was disappointed in the scanty amount of neighborhood interest, but said they did meet with the officers of the neighborhood associations involved.

Mueller said that he wanted to address the issue of changing an RS zone. First, the market has changed since the 1973 Master Plan, only a quarter of the units developed annually are single family. Second, there are large public economies encouraging development in this area instead of an outlying area; the infrastructure is in place and it is cheaper to provide services.

He then described the existing development around this area: the Service Center, the YMCA and Sports Complex, and apartments. He said he talked to the Parks Department; their main concern was protection of Winslow Woods and control of park access. They favored low density condo development.

He showed a map of the plan approved by the Plan Commission; the only difference will be in the route of the main East-West road. The map showed it as straight, which is what the staff recommended; the property owners wanted a dog-leg. It will be a dog-leg. He spoke of the neighboring plots and how they would relate to the proposal. Around the park it will be low density, then become more dense as it leaves the park until it reaches the existing multi-family development. Plots on High Street will remain single family to relate to that existing development.

He summed up by saying the property owners agree, the Plan commission agrees, the staff says OK, and there is no neighborhood objection.

Olcott asked if the E-W street lines up with Rock Creek Drive. Mueller replied "So far." Gross asked about plans for Winslow Road. Mueller said it is planned for improvements, but not for a while-- construction is not anticipated until after 1995. Register asked if representatives from all the neighborhoods were in on this and were they satisfied? Mueller said yes. Mayer was concerned about the traffic; Mueller said the traffic impact would be the same if the development was in an outlying area. Olcott was pleased that the owner families agreed that this was a satisfactory solution; the Winslow family has done a lot for this community and he is pleased for them.

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

Murphy arrived at 8:40 PM after this vote.

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Olcott moved and Foley seconded the motion that Ordinance 85-59 be introduced and read by title only. Deputy Clerk Fernandes read the Ordinance by title only. Olcott moved and Foley seconded the motion that Ordinance 85-59 be adopted. There was no Committee report. Gross read the synopsis.

ORD. 85-59

Mueller said they looked at this PUD plan at the end of the above mentioned neighborhood process. The main change is that the E-W road will be a dog-leg and not straight. He explained the densities per acre and some of the conditions put on the PUD. To avoid patchiness of the roadway, the development is to take no more than three phases, and a ROW dedication along Winslow is required in the first phase. It also specifies a pedestrian connection during the first phase regardless of the particular area of the PUD.

Regester asked if there were any plans for the existing single family homes. Mueller said no. Tom Bunger, representing the petitioners, thanked the Plan Department staff and the neighborhood people, and said that this plan should enhance the neighborhood. Regester asked about the four units per acre, if they were to be detached. Mueller replied that the plan specified single family but does not rule out attached. However, the plan commission would need to approve it. Rachel Winslow Rice spoke for the family, thanked everyone, and said that they want to build something they would like to neighbor.

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

Olcott moved and Foley seconded the motion that Ordinance 85-64 be introduced and read by title only. Deputy Clerk Fernandes read the Ordinance by title only. Olcott moved and Foley seconded the motion that Ordinance 85-64 be adopted. There was no Committee report. Gross read the synopsis.

ORD. 85-64

Mueller said that this was an extension of the Hyde Park development, which will be on both sides of Sare Road, for a total of 640 units. Tonight's plan approves single family development but does not take away prior approval of quad development. This change is motivated by the success of the single family development. Gross asked Murphy about the Plan Commission vote; he said it was 9-0.

Steve Smith asked them to understand that they still have the multi-family option. Mueller said it would still have to come back for approval.

The Ordinance received a roll call vote of Ayes: 8, Nays: 0, and Abstains: 1. (Young)

Olcott moved and Foley seconded the motion that Ordinance 85-65 be introduced and read by title only. Deputy Clerk Fernandes read the Ordinance by title only. Olcott moved and Foley seconded the motion that Ordinance 85-65 be adopted. There was no Committee report. Gross read the synopsis.

Mueller said that this was 40 acres to the south of the existing development. Register asked about the density. Mueller said 47 units on 33 acres, or below two per acre. Register asked if it went to Rogers Road. Mueller said no. Young thanked Mueller for his work.

The ordinance received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1. (Young)

Olcott moved and Foley seconded a motion to introduce FIRST READINGS and read by title only for first reading the following ordinances:

1. Ordinance 85-68 To Amend the 1986 Salary Ordinance for Appointed Officials of the City of Bloomington to Bring the Ordinance into Compliance with Federal Fair Labor Standards Act
2. Ordinance 85-66 To Vacate a Public Parcel  
Re: South of 13th Street between Fess and Forrest
3. Ordinance 85-63 An Ordinance Authorizing the City of Bloomington to Issue its "Economic Development Revenue Bonds, Series A" (Haskel Prock Project) and Approving Other Actions in Respect Thereto
4. Ordinance 85-69 An Ordinance Authorizing Modification of Issuance of Economic Development Revenue Bonds Previously Authorized by the City of Bloomington for Peck, Inc.,
5. Ordinance 85-67 To Amend Chapter 2.21 "Department of Law" of Title 2 of the Bloomington Municipal Code (Human Rights Commission)
6. Resolution 85-43 Resolution Approving and Adopting a Fiscal Plan for the Annexation of Adjacent and Contiguous Territory (West Third Street Area)
7. Ordinance 85-62 Ordinance Concerning the Annexation of Adjacent and Contiguous Property (West Third Street Area)

There was no public input for Privilege of the Floor. FLOOR PRIVILEGE

The meeting was adjourned at 9:30 PM.

ADJOURNMENT

APPROVE:

Patricia A. Gross  
Patricia Gross, President  
Bloomington Common Council

ATTEST:

Patricia Williams  
Patricia Williams, Clerk  
City of Bloomington