

AGENDA

COMMON COUNCIL

TUESDAY, DECEMBER 20, 1983

COUNCIL CHAMBERS

SPECIAL SESSION

7:30 P.M.

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. PETITIONS AND COMMUNICATIONS
- VI. LEGISLATION FOR SECOND READING - VOTE
  1. Ordinance 83-62 To Amend Various Sections of Title 15 of the Bloomington Municipal Code  
Committee recommendation: Do-Pass 7-0
  2. Ordinance 83-63 To Transfer Appropriations Within the General Fund and the Fleet Maintenance Fund  
Committee recommendation: Do-Pass 7-0 as amended
  3. Ordinance 83-64 An Ordinance 83-64 An Ordinance Authorizing the Issuance and Sale of \$4,000,000 of Economic Development Revenue Bonds. . . Refunding Prior Bonds. . . (for Bloomington Square Associates)  
Committee recommendation: Do-Pass 7-0
  4. Resolution 83-43 To Authorize an Interim Loan by Monroe County Jail, Law Enforcement and Governmental Space Building Corporation.  
Committee recommendation: Do-Pass 6-0-1
  5. Ordinance 83-66 To Amend the Bloomington Zoning Maps, Dated June 7, 1978 (re: Old Courthouse Annex and the Headley Building)  
Committee recommendation: Do-Pass 6-0-1
  6. Resolution 83-42 To Confirm Resolution 83-41 Which Designated the Adjacent Properties Located at 211 East Sixth Street and 210 North Washington Street as an "Economic Revitalization Area"  
No Committee Hearing.
- VII. LEGISLATION FOR FIRST READING - NONE
- VIII. MINUTES FOR APPROVAL - December 7 and December 14, 1983
- IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Tuesday, December 20, 1983, at 7:30 P.M. with Council President Dilcher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
DECEMBER 20, 1983

Councilmembers present: Porter, Towell, Service, Dilcher, Murphy, Olcott, Gross, Hogan.  
Absent: Morrison.

ROLL CALL

Council President Dilcher gave the agenda summation and noted that Ordinance 83-65 had been withdrawn by the petitioner.

AGENDA SUMMATION

Hogan said that he is pleased and proud to have served on the council for the last four years. He thanked his constituents for the opportunity to represent them.

MESSAGES FROM  
COUNCILMEMBERS

Gross wished fellow councilmembers a Merry Christmas and directed her comments to Kathy Dilcher, thanking her for her role as a mentor and model to Gross, as a new councilmember and for the direction Dilcher provided the Council this past year.

Olcott also thanked Dilcher, Hogan and Towell and felt that they had all worked well together. To Towell he emphasized his respect and admiration for his years on the Council.

Murphy quoted James Russell Lowell's "Stanzas on Freedom" and felt that that particular work with its reference to freedom of thought was apropos the Council -- with everyone speaking their own mind and directing their energies and efforts to the City of Bloomington. He mused that sometimes winning an election is a worse fate than losing. He reminded Hogan that while they often did not agree, he truly respected him as a person. To Al Towell, his friend, his love and respect and to both Kathy and Al, the honor it has been to serve with both of them.

Service seconded that statements made and chided Hogan, that yes, despite differences, it has been a pleasure to serve together. Service addressed the recent Herald-Telephone Tip-Off column regarding Council 'items' and suggested that the paper check out 'hot tips' for accuracy and truth. Service wished everyone, including the folks at the H-T a Merry Christmas.

Porter echoed that sentiments of this fellow councilmembers.

Towell said that he had enjoyed his years on the Council and as a parting remark, urged the Council to be bold, to do what they think is right, and let the chips fall where they may. He said that Council has the opportunity to make decisions to improve life for many people here in Bloomington and they must take advantage of that opportunity.

Dilcher said that she will miss the Wednesday night meetings but will enjoy her promotion from public servant to private citizen. The best part of the experience was the opportunity to meet so many people. Dilcher announced that the Parks and Recreation Dept. has received a grant and that Pam Service will act as the Council representative on a soon to be formed committee for parks and recreation.

There was no Mayoral message.

MESSAGES FROM THE  
MAYOR

There were no petitions or communications.

PETITIONS AND COMMUN-  
ICATIONS.

Olcott moved and Murphy seconded a motion to introduce and read Ordinance 83-62 by title only. Clerk Williams read the ordinance by title only.

ORD. 83-62  
TO AMEND SECTIONS  
OF TITLE 15

Olcott moved and Murphy seconded a motion to adopt Ordinance 83-62. Porter gave the committee report.

There was no discussion and Ordinance 83-62 received a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Murphy seconded a motion to introduce and read Ordinance 83-63 by title only. Clerk Williams read the ordinance by title only.

ORD. 83-63  
TO TRANSFER  
APPROPRIATIONS

Olcott moved and Murphy seconded a motion to adopt Ordinance 83-63. Porter gave the committee report.

Porter read the amendment presented by the Legal and Council departments and the Controller. Fleet Maintenance requested an additional \$ 500 from fuel and oil ( #224), the Legal Department requested \$ 2500. rather than \$ 1000. and the request for the Council Office was withdrawn. Public Works purchased a file cabinet for the Council Office.

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.

Olcott moved and Murphy seconded a motion to introduce and read Ordinance 83-64 by title only. Clerk Williams read the ordinance by title only.

ORD. 83-64  
ED REVENUE BONDS  
\$ 4,000,000 for  
K-MART

Olcott moved and Murphy seconded a motion to adopt Ordinance 83-64. Porter gave the committee report.

Frona Powell informed the Council that there was an amendment before them as requested by the petitioner regarding interest rate increases, the Indenture and the Bond, and the fact that the Council in Section 10 understands that there will be revisions in the forms of documents before the Council prior to the actual issuance of the Bonds, including but not limited to revisions concerning the rate of interest in the event of a Determination of Taxability, and prepayment provisions for the Bonds. Porter moved and Murphy seconded that the amendment be adopted.

Brian Werth, H-T reporter, asked about the rate of interest at which the council had originally approved the bond and what was the new rate of interest to be.

John Urbahns, petitioner representative, said the original rate was 14½ %. Olcott said that there was no way of knowing what the current or new rate would be and that the City incurs no responsibility for the loan arrangement.

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

Olcott moved and Murphy seconded a motion to introduce and read Resolution 83-43 by title only. Clerk Williams read the resolution by title only.

RESL 83-43  
INTERIM LOAN BY THE  
CRIMINAL JUSTICE  
BUILDING

Olcott moved and Murphy seconded a motion to adopt Resolution 83-43. Porter gave the committee report.

Towell said that he deplored the filing of the lawsuit against the proposed city-county building (the suit is filed because of the increased jail size). The County has been talking about a new jail for 25 years and is mandated by the courts to build a new one. "We have little choice --it must be done".

Olcott said that this project was a bi-partisan community effort for our police and our sheriff and these current legal attempts to throw blocks in the way are only delaying the project.

Don Overbay, a concerned citizen, was shocked that the County attorney would ok the loan, as he did Tuesday afternoon at the County Council meeting. He urged the City Council to examine the option carefully because the County is now asking the City to 'bail them out'.

Towell told Overbay that the city is not loaning the county or anyone any money. The people loaning the money are the ones taking the risk.

Bob Manns, attorney for the corporation, said that the only purpose for this request is to make the loan tax free, if it is necessary to secure a loan (the amount then charged to the tax payer would be less if it is tax free). The county has an option to buy from Sam Benevole for \$ 485,000 (\$ 120,000 more than the fair market price) The option has been signed and ratified. Mr. Mann said that it was his understanding that the option would not be extended, so this loan provision is necessary if the need for a loan is created. The entire situation is unusual. On one hand a suit has been filed by Roberta McCloskey and Professor Hal Pepinsky requesting a delay ; on the other hand there is Coleman and Loftman (attorneys) representing Sam Benavole urging a immediate settlement. The only people who will be hurt in all of this are the tax payers. Monroe County is under mandate to build a new jail, the County has absolutely no choice in this matter and this is costing money every day. The 124 cells will save money down the road and provide the necessary room for female prisoners.

Overbay asked if the County would secure a loan or would bonds fund the project, again urging the Council to examine it all very closely.

Bob Mann said that there was very little difference in the long run, whether it is a loan or a bond. "We are trying to accomodate Sam Benavole at the moment"

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

Olcott moved and Murphy seconded a motion to introduce and read Ordinance 83-66 by title only. Clerk Williams read the ordinance by title only.

ORD. 83-66  
TO AMEND ZONING MAPS  
RE: OLD COURTHOUSE  
ANNEX AND HEADLEY BLDG.

Olcott moved and Murphy seconded a motion to adopt Ordinance 83-66. Porter gave the committee report.

The ordinance received a roll call vote of Ayes:7, Nays:0, Absention:1 (Gross is employed by a subsidiary of CFC)

Olcott moved and Murphy seconded motion to introduce and read Resolution 83-42 by title only. Clerk Williams read the resolution by title only.

RES. 83-42  
TO CONFIRM THE ERA FOR  
THE COURTHOUSE ANNEX  
AND HEADLEY BLDG.

Olcott moved and Murphy seconded a motion to adopt Resolution 83-42. There was no committee report.

The resolution received a roll call vote of Ayes:7, Nays: 0, Absention: 1 (Gross is employed by a subsidiary of CFC).

There was no legislation for first reading.

FIRST READINGS: NONE  
APPROVAL OF MINUTES  
DECEMBER 7 and 14, 1983

The minutes of December 7 were approved by a voice vote and Towell corrected a statement made by him regarding assessed valuation for City residents. The minutes of December 14 were approved, as amended.

The meeting was adjourned at 8:25 P.M.

ADJOURNMENT

APPROVE:

Patricia A. Chan

ATTEST:

Patricia Williams  
Patricia Williams  
City Clerk