

AGENDA  
COMMON COUNCIL  
REGULAR SESSION  
AUGUST 21, 1980, 7:30 P.M.  
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. PETITIONS AND COMMUNICATIONS
- VI. LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS
  1. Resolution 80-16 Inducement Resolution for EDC Bonds for Bloomington Plaza Company and Kroger, Company  
Committee report: Meeting to be held August 18 on all second readings
  2. Ordinance 80-57 To Amend Section 15.68.120 and 15.68.130 of the Bloomington Municipal Code, Concerning City Parking Lots
  3. Ordinance 80-65 To Amend Sections 15.76.010, entitled "Stop Intersections", 15.64.370 entitled "Restricted Parking Zones" and 15.64.410 entitled "No Parking Zones" of the Bloomington Municipal Code
- VII. INTRODUCTION OF ORDINANCES FOR FIRST READING
  1. Ordinance 80-72 Budget Transfers  
re: Fire and Police Departments
  2. Ordinance 80-66 To Amend and Repeal Various Sections of Chapter 15.64 of the Bloomington Municipal Code Regarding Loading Zones
  3. Ordinance 80-75 To Amend Zoning re:  
800 E. Thornton Drive from RH to ML (Honeycutt & Hawkins)
  4. Ordinance 80-69 To Ratify and Approve an Agreement in Lieu of Annexation with Whitehall Associates and Bloomington Square Associates
  5. Ordinance 80-70 To Create a Special Non-Reverting Improvement Fund  
re: Revenues from In-Lieu-of-Annexation Agreements
  6. Ordinance 80-73 To Authorize the Issuance of Economic Development First Mortgage Revenue Bonds for K-Mart Corporation
- VIII. MINUTES FOR APPROVAL: July 10, 1980
- IX. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on August 21, 1980 with Councilpresident Allison presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
AUGUST 21, 1980

Councilmembers present: Morrison, Towell, Porter, Murphy, Allison, Dilcher, Olcott and Hogan.  
Councilmembers absent: Service.

ROLL CALL

Councilpresident Allison gave the agenda summation.

AGENDA SUMMATION

There were no Messages from Councilmembers.

MESSAGES FROM  
COUNCILMEMBERS

Mayor McCloskey urged the Council to support the adoption of the ordinance approving EDC bonds for the proposed Kroger development on College Mall Road. This is a solid project which would create hundreds of needed jobs for Bloomington. There are legitimate traffic and drainage concerns but the City has been negotiating to add a third lane to College Mall Road and to modify the drainage plans. He said area residents should attend the Plan Commission meeting where these items will be discussed in more detail.

MAYOR'S MESSAGE

There were no Petitions or Communications.

PETITIONS & COMM.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 80-16 by title only.

SECOND READINGS  
RESOLUTION 80-16  
Inducement Resolu-  
tion for EDC Bonds  
for Bloomington  
Plaza Co. (Kroger)

Clerk Connors read Resolution 80-16 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 80-16.

Towell read the legislative synopsis and gave the committee report noting that no motions were made and there was no recommendation on this resolution. He explained that traffic and drainage problems were discussed in detail at the meeting and that the City Attorney had warned the Council that their action on an inducement resolution should be taken seriously since recent court decisions have shown that if the Council approves the resolution and later disapproves the bonds they could be held liable.

Bill Finch clarified an earlier question from the attorney for the neighborhood, Andy Mallor, by stating that the mention of Krogers in the whereas clauses as a petitioner is not in any way illegal and the resolution will not have to be amended by the EDC.

Lynn Coyne, attorney for the petitioner Jack Kellams, addressed the Council. He reminded the Council that the purpose of this discussion is to determine if the petitioner meets the requirements set out in state statute to encourage economic development and create job opportunities. He said the development will create 85 new jobs for Kroger, 90 full time and 40 part time jobs for the department store and from 70-100 jobs through the 14-25 retail stores in the complex, for a total of 290-340 new jobs. This is in addition to the 100 ten-month construction jobs. 300 jobs will have an impact on 107 families affecting 735 people, will add 240 kids to the school rolls and will generate \$2,616,000 in the community and \$1,185,000 in sales annually. These additional jobs would lower the City's unemployment rate by 1% and would probably take people off the welfare rolls. There will be no cost to the City and the developer will pay over \$80,000 annually in property taxes. The developer has agreed to provide \$80,000 worth of additional improvements this week for a total of \$130,000. He said that this land has been zoned for business for many years and if it was not developed by Kellams it would be by others. Concerning traffic problems,

he said the development will definitely increase traffic but they have agreed to add an additional lane to College Mall Road for the length of their development. He concluded that the kindergarten across the street supports the development, stating that others in the area need not be concerned about increased water run-off.

Steve Smith, Engineer for the petitioner, said that a traffic study was done several weeks ago to determine problem areas and he then showed the Council a diagram and told them how many turns they project into the complex. He said that Auto Mall Road and the Buick-Cadillac Boulevard extensions will alleviate the increased traffic volume.

Olcott asked if there is room for sidewalks on the east side of the street and Steve Smith answered yes, the sidewalks will be built as the property is developed. Concerning drainage problems, he said the developer will build a detention basin and a storm sewer so there will be no increase in run-off. The basin will be several feet deep and will cover one acre of land at peak periods.

Lynn Coyne concluded his presentation by stating that the petitioner has already made expensive compromises and said that other potential businesses will keep a close eye to the Council's action on this proposal. If the Council turns it down future development may be affected.

Andy Mallor, attorney for the neighborhood, said he agreed with Coyne about the jobs but he asked the Council to consider whether they really want to give this developer a competitive "leg-up" on other developers by approving cheap financing. He said this is the first EDC bond where remonstrators have appeared before the Council and since the committee meeting the developer has made changes in their plans as a result of the neighbor concerns. He said they have had little time to study the proposed changes and would like a delay in consideration of the resolution until they have had time to do so.

George Stolnitz of Covenanter Drive said that what they object to is granting an EDC bond for this development. He said neither their health or welfare will be well served by this project. He said there are several provisions of the statute that have not been met and further study is needed. As far as the City bearing no costs, he said Moores Pike is already inadequate for the current traffic situation and cannot handle additional traffic. Also, the traffic study said no additional traffic control devices will be necessary and he said this is impossible. He continued that a traffic study done on a hot summer afternoon is not the best way to do it and that what is really needed is four lanes of traffic on College Mall Road all the way to Second Street. Concerning the number of jobs, he said the number has mysteriously doubled since Monday night and he is not sure which are full and which are part time jobs. Another provision of the statute says that EDC projects cannot have an adverse competitive effect on similar developments and that the EDC must prepare a report to estimate possible City services and expenses, the total project cost and the number of jobs created and payroll estimate. He said it is also their duty to look at traffic and drainage concerns. He said the neighborhood feels that their property values will be decreased by this development.

Dr. Creek, area resident, said that he is confused about the drainage figures, stating that a good rain floods the area. Also, it is almost impossible to turn onto Moores Pike now let alone with additional development. He added that there aren't even any sidewalks on Moores Pike.

Common Council Minutes

Page three

August 21, 1980

Eunice Roberts, Rechter Drive, said that the Council needs to consider what the effects will be on other businesses, particularly those in Eastland Plaza. She said she knows of a similar case in Indianapolis where the major store moved out and the other stores went out of business creating a very tacky looking area. She said she would like to examine the traffic study.

Alice San Petro, area resident, said that Covenanter is the main traffic route between Rogers and Binford. There are no sidewalks and the increase in traffic could endanger the school children, particularly on Moores Pike.

James Hardy, President of the Bloomington Building Trades Council, endorsed the project stating that economic growth is very important and that the increased job opportunities are sorely needed.

A representative of Montessori School said that the entrance to the shopping center will be directly across the road from the school's driveway and if traffic backs up they will not be able to get out onto College Mall Road. He urged further study of the situation.

Sam Loescher, Fair Oaks Lane, referred to a statement by Coyne and said that he is afraid of what developers would think if the Council did approve the bonds - namely that the City has poor planning. He didn't see the need to keep building more stores on the east side of town, adding that Kroger's had originally said they would build their store on the west side. He contended that a lot of energy would be saved if people didn't have to drive from all over to the east side of town to buy groceries.

Mary Lou Miller also spoke for the neighborhood, stating that the third lane of traffic should run all the way from Second to Moores Pike to avoid bottleneck situations. She stressed the importance of building sidewalks down College Mall Road, especially when water starts rushing down the street during rains.

Steve Smith responded that run-off will go into Jackson Creek but the detention basin will help. Also, they have presented their plans to the City's Engineering Office and they have approved them. Concerning the length of Third Street and the traffic study, he said that they conducted their surveys in the summer but updated them with City figures. About the sidewalks, he said it will be up to the developers of the road frontage properties on College Mall to build them as the parcels are developed.

Mayor McCloskey added that major traffic improvements are planned by the City, but completion is not expected for at least five years.

Towell said that he regrets that further developments are pending in the College Mall area since it is already too developed to handle the traffic, but the developer has apparently decided not to build on the west side. He said if the project is to be developed he doesn't oppose the use of EDC bonds but said that the Council should take other factors into consideration such as traffic. It is inevitable that the area will be further developed but the Plan Commission can make sure that all zoning standards are met such as site plan, landscaping, etc.

Porter said that it is too late for the remonstrators to change the zoning of the area now. He said the Kroger people are not required to keep a store in Eastland Plaza even if the Council turns down this bond ordinance. He noted that if they had not requested EDC bonds for the development it never even would have come before the Council. He added that he has heard no objections from the merchants from Eastland or College Mall. He said he lives in Hoosier Acres and even with the current traffic situation it only takes him five minutes to drive to work. The traffic and drainage problems are serious, but steps are being taken in the right direction and the problems are being addressed.

Olcott said the citizens have expressed their concerns in the correct manner and they have won several concessions from the developer, but the City needs the jobs. He noted that there had been remonstrators for EDC bonds before (the plastics company) and said that the developer can't be blamed for looking for the most profitable financing arrangement possible.

Rick Rechter, owner of the land which the project would be built on, said that he doesn't see how Andy Mallor can argue against the bonds because they would then have a competitive edge when Andy Mallor himself used them for his new offices.

Hogan agreed that Moores Pike is very dangerous and said that it is one of his top priorities to have sidewalks in the area.

Dilcher agreed with Towell and said that the remonstrators have had a definite impact on the direction of the project and she said she hopes to see them at Plan Commission meetings.

Murphy said that if anything had been learned from this case it is that the EDC must look into each case that comes before them very carefully and take other things into account besides economic development. He said he is concerned about the traffic but is also concerned about the unemployment rate.

Morrison agreed that the area is already zoned business and development is unavoidable. He suggested that the citizens pay close attention to Plan Commission meetings where business zones come close to residential areas.

Olcott said the Planning Department did an excellent job on the College Mall project and he's sure they will act just as responsibly with this development. He said that Steve Smith will act in the best interests of the City.

Allison said that the traffic problems will cost a lot of money to fix and the City just doesn't have the funds. The legislature passed a new highway formula last year and the City will be getting less money this year. The City does have plans to improve the situation and grant monies may be available for Moores Pike improvements. She said since the land is already zoned business the Council doesn't have much leeway.

Resolution 80-16 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-57 by title only.

Clerk Connors read Ordinance 80-57 by title only.

ORDINANCE 80-57  
To Amend BMC re:  
City Parking Lots

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-57.

Towell read the legislative synopsis and gave the committee report with a Do Pass recommendation of 6-0 as amended. He then introduced an amendment. He moved to amend Section II to add Subsection (c) to 15.68.130 to read as follows: (c) No vehicle shall park in a metered space in Municipal Lot No. 3 for more than four hours in any day when parking meters are in operation. Olcott seconded the motion. Towell noted that this amendment would keep the four-hour parking restriction on the Fourth and Washington lot.

Motion carried by a vote of Ayes: 8, Nays: 0.

Towell then moved to amend Section 15.68.120(4) to change the number of parking spaces in the Municipal Building lot from 20 to 12. Olcott seconded the motion.

Motion carried by a vote of Ayes: 8, Nays: 0.

Towell moved and Olcott seconded a motion to adopt Ordinance 80-57 as amended. Motion carried by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-65 by title only.

Clerk Connors read Ordinance 80-65 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-65.

Towell read the legislative synopsis and gave the committee report with a Do Pass recommendation of 6-0. The ordinance was adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-72 by title only.

Clerk Connors read Ordinance 80-72 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-66 by title only.

Clerk Connors read Ordinance 80-66 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-75 by title only.

Clerk Connors read Ordinance 80-75 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-69 by title only.

Clerk Connors read Ordinance 80-69 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-70 by title only.

Clerk Connors read Ordinance 80-70 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-73 by title only.

ORDINANCE 80-65  
To Amend BMC re:  
Stop Intersections,  
Restricted Parking  
and No Parking Zones

FIRST READINGS  
ORDINANCE 80-72  
Budget Transfers:  
Police and Fire  
Departments

ORDINANCE 80-66  
To Amend BMC re:  
Loading Zones

ORDINANCE 80-75  
Amend Zoning re:  
800 E. Thornton  
from RH to ML

ORDINANCE 80-69  
To Ratify In-Lieu-  
of-Annexation Agree-  
ment w/Whitehall &  
Blgtn. Square Assoc.

ORDINANCE 80-70  
To Create Special  
Non-Reverting Im-  
provement Fund re:  
In-Lieu-of-Annex

ORDINANCE 80-73  
Authorize EDC Bonds  
for K-Mart Corp.

Common Council Minutes  
Page six  
August 21, 1980

Clerk Connors read Ordinance 80-73 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to approve the minutes of July 10, 1980 as submitted. Motion carried by unanimous voice vote.

MINUTES FOR  
APPROVAL: 7/10/80

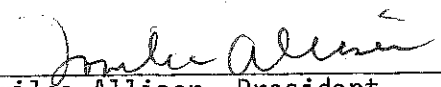
The meeting was then adjourned at 9:50 p.m.

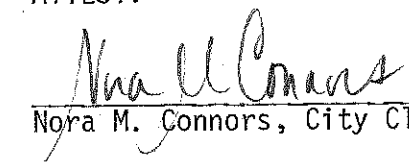
ADJOURNMENT

MINUTES APPROVED this 18<sup>th</sup> day of September, 1980.

APPROVE:

ATTEST:

  
Tomilea Allison, President  
Bloomington Common Council

  
Nora M. Connors, City Clerk

nmc