

AGENDA
COMMON COUNCIL
REGULAR SESSION
OCTOBER 2, 1980, 7:30 P.M.
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGE FROM THE MAYOR
- V. VOTE ON CHANGING MEETING DATE FROM OCTOBER 16 to OCTOBER 23
- VI. APPOINTMENT TO HUMAN RIGHTS COMMISSION
- VII. BOARD OF FINANCE
- VIII. PETITIONS AND COMMUNICATIONS
- IX. LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS
 1. Ordinance 80-82 To Amend Zoning re: property between SR 46 and Acuff Road from RE to ML and RE/PCD (PTS Electronics)
Committee Report: Do Pass 5-2 as amended
 2. Ordinance 80-81 Budget Transfer
re: Controller's Office
Committee Report: 5-0-1
 3. Appropriation Ordinance 80-11 To Appropriate Funds from General Fund to Personnel, from FRS to Board of Works, Mayor's Office, Parks and Recreation and Transit, from Parks and Recreation Fund and Rosehill Cemetery Fund
Committee Report: Do Pass 7-0 as amended (delete Transit section)
 4. Resolution 80-20 Inducement Resolution for Economic Development Revenue Bonds for Rogers, McDonald & Grodner Development Company
Re: Office facility at 115 E. Sixth Street
Committee Report: Do Pass 7-0
 5. Resolution 80-21 Inducement Resolution for Economic Development Revenue Bonds for Kittle Furniture Company
re: Store on Buick-Cadillac Boulevard
Committee Report: Do Pass 7-0 subject to EDC approval on 10/1
- X. INTRODUCTION OF ORDINANCES FOR FIRST READING
 1. Ordinance 80-87 To Amend 1980 Utilities Department Salary Ordinance
re: Senior Assistant Utilities Engineer
 2. Ordinance 80-83 To Amend the 1980 Salary Ordinance for Appointed Officers and Employees to Create Two New Positions in the Human Resources Department
 3. Ordinance 80-84 To Amend the 1981 Salary Ordinance for Appointed Officers and Employees to Authorize Continued Payment for Two New Positions in the Human Resources Department
 4. Ordinance 80-86 To Amend the Bloomington Municipal Code to Reduce the Time Period for Application of Late Payment Charges for Water and Wastewater Bills
- XI. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on October 2, 1980, with Councilpresident Allison presiding over a regular session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
OCTOBER 2, 1980

Councilmembers present: Allison, Towell, Olcott, Morrison, Murphy, Porter, Hogan, Dilcher, and Service.
Councilmembers absent: None.

ROLL CALL

Councilpresident Allison read the agenda summation.

AGENDA SUMMATION

Concerning the PTS rezoning, Morrison said that it is not fair that Norwest Woods and surrounding neighborhoods do not have representation on the Common Council, but he said he would represent their concerns at tonight's meeting.

MESSAGES FROM
COUNCILMEMBERS

Murphy said he was sorry to see Jack Giles resign as Sanitation Director, stating that he did an excellent job. He then read Resolution 80-25, Encomium for Jack Giles, in its entirety.

RESOLUTION 80-25
Encomium for
Jack Giles,
Sanitation Director

Murphy moved and Olcott seconded a motion to adopt Resolution 80-25 by acclamation. Motion carried by unanimous voice vote.

Jack Giles said he has many good friends and fond memories of the City and that he had appreciated the Council's support of his work through the years.

Service commended the residents living around the proposed PTS rezoning site, stating that it was the most thorough lobbying effort she had ever seen. It is difficult to rise above emotions with this case and she was offended by the ad the neighborhood placed in the paper. Since the remonstrators have more resources and organization than most neighborhoods, the Council must be especially sensitive and look closely at the issues regardless of the neighborhood.

Allison thanked the Mayor for organizing opposition to Indiana Bell's proposed measured service rate increase. The proposal would have cost the City a great deal and the Mayor lead I.A.C.T. in having the plan postponed.

Olcott moved and Morrison seconded a motion to move the Council meeting scheduled for October 16 to October 23. Motion carried by unanimous voice vote.

CHANGE OF MEETING
DATE FROM 10/16
TO 10/23/80

Murphy moved and Towell seconded a motion to appoint Quincy Erickson to a two year term on the newly reorganized Human Rights Commission. She had served on the old Commission as the Council's representative for several months. Motion carried by a vote of Ayes: 8, Nays: 1 (Olcott).

APPOINTMENT TO
HUMAN RIGHTS
COMMISSION: Quincy
Erickson

Pat Gross explained that the Board of Finance consists of the Council and Mayor and they normally meet early each year to approve the City's depositors. New state legislation recently went into effect to allow cities to invest in Savings and Loans Institutions instead of just banks and this meeting is to approve the three depositories who applied for City deposits, which are limited by law to \$100,000 in each institution. She explained the figures and in answer to a question from Olcott said that the City has deposited funds in banks whose home offices are elsewhere (such as People's State Bank) for many years.

BOARD OF FINANCE

Olcott said he didn't see any reason to send the City's money out of the county and he then moved to drop Farmer's Mechanic's Savings and Loans from the list. Pat Gross said that it would only change the percentage that other savings and loans get but it can't be over \$100,000.

Service moved and Murphy seconded a motion to continue this item so that they can determine if it would be possible to cut back the list. Motion carried by unanimous voice vote.

There were no Petitions or Communications.

There was no Message from the Mayor.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-82 by title only.

Clerk Connors read Ordinance 80-82 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-82.

Allison explained the time limits for speaking of ten minutes for two representatives from each side and two minutes for individuals with something new to add.

Murphy read the legislative synopsis and gave the committee report with a Do Pass recommendation of 5-2 as amended. He then moved and Morrison seconded a motion to amend the ordinance from 60%/40% commercial/residential ratio to 75%/25% as set out in the Bloomington Municipal Code and approved by the Plan Commission. Motion carried by a vote of 9-0.

Murphy moved and Olcott seconded a motion to amend the effective date of the ordinance to December 2, 1980 to allow the City to rescind their decision if the State doesn't approve the road cut. Motion carried by a vote of 9-0.

Tim Mueller gave his presentation to the Council. The site consists of 35 acres west of SR 37 and north of Westbury Village currently zoned RE (Residential Estate). He described the surrounding land uses and said that the Plan Commission approved a PCD designation for the entire area since this would allow more flexible arrangements for the City. The underlying zones would be 75% ML and the SW part would remain RE. The outline plan shows two buildings of approximately 125,000 square feet with Phase I being for PTS industries and Phase II to the north to be used for future development with one access route onto the Bypass. There will be extensive accel/decel lanes, the plans for which have been approved by the state. He continued that there are broad community policy considerations with this rezoning request which must be weighed against the additional industrial jobs that would be created and are sorely needed. The site is hilly, and there will be a lot of cut and fill to level it out along with a 5-6' earth berm east of the property with landscaping to buffer the residences with screening. The Plan Commission approved the request with the following conditions (1) Approval by State Highway Commission of the access to the property, subject to the grade revision of the access to meet code standards; (2) subject to the provision of sewer service as proposed, including acquisition of easements; (3) on condition that a sanitary sewer be granted from the west property to the proposed sewer, and that adjacent residential development (Norwest Woods and other unplatted lots abutting Norwest Woods) be assured of access, without cost, to the sanitary sewer facilities to be constructed by PTS; (4) adequate buffer zones with landscaping; (5) restrictions on use as per the staff recommendation; (6) restricting certain uses of the west part of the site and orientation of traffic flows to the east, as recommended by the staff, to be defined and reviewed as part of the development plans; (7) subject to the permitted list of uses as per the staff recommendation; (8) subject to the 75/25 zoning split; elimination of the railroad crossing, subject to authorization during development plan review if it can be shown to avoid crossing SR 37; (10) landscaping plan be upgraded in the development plans to improve the winter aspects of the buffering; and (11) that the sole access to the project be SR 37.

PETITIONS &
COMMUNICATIONS
MESSAGE FROM
MAYOR

ORDINANCE 80-82
To Amend Zoning
re: PTS property
from RE to
ML and RE/PCD

Several issues have arisen in the case, such as whether this rezoning would create a "domino" effect with increasing industrial zoning in the area. He said the ravine to the north is a natural buffer with steep embankments and SR 37 on other sides to prevent further industrial zoning without special consideration by the City. Provision for sewer lines has also been discussed in length, but hook-ons to the sewer line in Fritz Terrace would be feasible with minimal upgrading, a lift station and force mains. The access question hinges on whether the City considers the bypass an adequate entrance and whether the fact that only 25% of the employees would be drawn from the Ellettsville direction is a significant consideration.

There was a short discussion concerning the location of a cemetery on the NW part of the property.

Olcott asked how much property would have to be torn up in Fritz Terrace for the sewers and Mueller said about a dozen properties along Kinser Pike. The Plan Commission thought that this is a short-range consideration but the zoning is a long-term concern. All costs would be born by the developer and all work would be done in existing easements.

Service asked if they would be using the railroad and Mueller said the spur was deleted as a condition for approval and would have to be approved by the Plan Commission in the future if the need arose.

Murphy asked what type of enforcement powers the City has if PTS fails to meet their commitments and Mueller said that the conditions must be entered into the record of approval. The outline plan will be the governing factor once the rezoning is approved and the building permits cannot be issued until the Commission reviews the plan in public forum and then another review is necessary before an occupancy permit is issued.

Murphy asked if it would be possible to incorporate the frontage and entranceway improvements and Mueller said the Plan Commission has already listed their conditions but the Council is free to do the same. The Plan Commission will look at the landscaping plan with a good deal of scrutiny.

Towell asked what provisions they have for keeping areas as open space and Mueller replied that the City has limited authority in this area unless the area is a flood plain and in answer to another question from Towell said that the RE zone has been used as a "holding zone" in the past.

Morrison said one zoning ordinance was turned down by the Council for violating the entrance corridor ordinance and several have been turned down for traffic and lack of landscaping. He said he has received many calls and letters on this rezoning request and all have been opposed. Concerning Bill Cook's presentation at the Committee meeting, he said that the reason that industries and housing are so close together in Europe is because they have a severe land shortage and high density uses, not because such arrangements are desirable.

Gary Clendening, attorney for the petitioner, said that his clients have gone about as far as they can in meeting conditions and going out of their way to build an attractive plant and to minimize the effects on surrounding residents with large setbacks, extensive greenery, agreement not to use the railroad spur, significant accel/decel lanes, etc.

Steve Smith, Engineer for the petitioner, said that this site is the best one available for the plant since their water supply is excellent (16" line), which will help with fire insurance, Indiana Gas has an 8" line nearby plus there is good access to SR 37 which has an 8,000 vehicle per hour capacity. They would generate approximately 350 vehicle movements per hour at peak times which would be easily absorbed by the Bypass but not by Curry Pike which is two lane with a capacity of 2,000 vehicles per hour. Concerning the sewer lines, they will tie into the same line that BHSN and Westbury Village hook onto and they would place the lines as close to Kinser Pike as possible to avoid negative impacts on the property owners. The grading details are not complete but the slope will be 5-6% which is less than parts of College Mall. The depth of bedrock is excellent with some blasting probably necessary east of the site. In answer to a question from Hogan, he said that there should be no impact from the blasting, which would be at least 500' from the neighborhood.

Towell asked about the availability of alternative sites and Smith answered that they all have one problem or another except perhaps Gates' 30 acre park which is already subdivided. Morrison asked about the property behind Otis Elevator and Smith said that site has water and sewer but access would have to be onto Curry Pike.

Tom Berry, attorney for Norwest Woods, addressed the Council. He said the Council must keep in mind that this request is for a rezoning which presents a new philosophical approach this area. The next applicant may not be able to meet all of the expensive conditions that PTS can.

Sherman Bynum spoke for Norwest Woods residents, stating that he is not against the expansion of PTS, but does not think it should be in their area. He gave several reasons why the location is inappropriate: the State Highway Commission doesn't seem to want to approve the road cut, SR 37 and SR 46 are very dangerous, there are negative aesthetic implications, and other areas are more suitable. In addition, this rezoning is not consistent with the master plan, this is not consistent with the requirement for unified treatment of the site, and it does not meet other zoning regulations and is an illegal spot zoning. Concerning the threat of PTS leaving town, he said that he thinks they will stay in any case but if they do move it doesn't have to be to another site in Bloomington.

Gary Hubbard of the North Maple Grove Neighborhood Association said that this area is not all high-income as implied by Service; the reason they moved to the area is because of the beauty of the area. They had counted on the area remaining residential and they don't want it to turn into a "Little Kokomo".

Bob Cunningham, resident of Norwest Woods, presented a petition with 256 signatures against the rezoning and stated that they want to keep the area residential.

James Lanham, Minister and resident of Upper Flanders, said that the traffic is increasing in their area as it is and he fears that with this additional traffic cars will back up all the way to the Bypass.

Jerry Bales, State Representative, spoke against the rezoning, stating that he thinks it is wrong that cities have planning jurisdiction over the two-mile fringe and added that he will introduce legislation to give this power to the County Council.

Mike Hafron of Upper Flanders said that there have been 19 fatalities on the Bypass since 1972 and this rezoning would only make it worse. Also, employees will go down Acuff and Maple Grove Roads which are already too busy.

Warren Henegar, County Commissioner and member of the County Plan Commission, said the Council should not make a hasty decision which would weaken the integrity of planning and zoning in Monroe County.

Mr. Vahern, area resident, said that the area was zoned RE because of the topography and said that three acres of roof and parking lots will increase drainage problems. He also doubted that blasting would not affect the neighborhood.

Lester DeKoker, County Commissioner candidate, said the request should be turned down because the residents were counting on the "American Dream" and this should be protected. He said they should locate elsewhere.

Several other residents spoke echoing the concerns of earlier speakers.

Ted Najam, representing the heirs of the Elliot Kerr estate (21 northern most acres), said the state has agreed to give them access onto SR 37 as long as the City recommends approval. The current land owners wonder what use the land should have and said in effect the Council would be denying use of the land if this rezoning is not approved. He said he grew up near Sarkes Tarzian and the plant blended well with the neighborhood since it is a clean and quiet industry, as PTS would be.

John Bender of the Chamber of Commerce said that he shares the concern of the remonstrators but this is a unique opportunity to develop PTS' national headquarters which is something Bloomington residents should take pride in.

Martha Sims of Bloomington Abstract said she lived on S. Hawthorne when the Sarkes Tarzian plant was first proposed and the neighborhood was against it, but as it turns out they have not adversely affected the neighborhood.

Ordinance 80-82 was then defeated by a vote of Ayes: 4, Nays: 5 (Morrison, Towell, Porter, Dilcher and Service).

Murphy left the meeting at this point.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-81 by title only.

ORDINANCE 80-81
Budget Transfer
re: Controller

Clerk Connors read Ordinance 80-81 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-81.

Allison read the legislative synopsis and gave the committee report with a Do Pass recommendation of 5-0-1.

Pat Gross said the transfer is needed since they are running the computer and Burroughs machine at once while they are switching over.

Ordinance 80-81 was then adopted by a vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 80-11 by title only.

Clerk Connors read Appropriation Ordinance 80-11 by title only.

Olcott moved and Morrison seconded a motion to adopt Appropriation Ordinance 80-11.

Allison read the legislative synopsis and gave the committee report with a Do Pass recommendation of 7-0 as amended to delete the Transit section.

Olcott moved and Dilcher seconded a motion to amend Appropriation Ordinance 80-11 to delete the Transit section as requested by the Department of Public Works. Motion carried by a vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to adopt Appropriation Ordinance 80-11 as amended. Motion carried by a vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 80-20 by title only.

Clerk Connors read Resolution 80-20 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 80-20.

Geoff Grodner, petitioner, explained that the bonds will be for a maximum of \$325,000 which is 75% of the appraised value of the building.

Resolution 80-20 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 80-21 by title only.

Clerk Connors read Resolution 80-21 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 80-21.

Allison read the legislative synopsis and gave the committee report with a Do Pass recommendation of 7-0 subject to EDC approval on October 1, which was done.

Jim Kittle Jr., petitioner, said that the building is the old Buchanan Furniture Store and they plan to build another store next door for Ethan Allen Furniture. This will create 15-20 new jobs and they will have an annual payroll of \$250,000 to \$300,000. The bond will be for \$1 million and they will invest \$1 million of their own as well.

Morrison said he is concerned that this is an out-of-town business that will compete with local furniture stores.

Finch said this is a legitimate concern but the statutes are vague in this area since it says you can consider the effect the project "may" have. Concerning whether these people will have low financing, he said that the bonds will probably be sold at 10-11% interest while most of those with furniture stores already established have mortgage payments at 6-8%.

Hogan said he didn't see any difference between this request and the one for Kroger's as far as an out-of-town business coming in and competing with area grocery stores.

APPROPRIATION
ORDINANCE 80-11
Funds from GF to
Personnel, from
FRS TO BW,
Mayor's Office,
P&R and Transit,
from P&R Fund &
Rosehill Fund

RESOLUTION
80-20 EDC
Bonds for
Rogers,
McDonald &
Grodner

RESOLUTION
80-21 EDC Bonds
for Kittle
Furniture

Kittle said that he is not really an "outsider" and that he spends a lot of time in Bloomington and plans to be a participant in local affairs and hire local people.

Ron Chapman spoke to the Council representing Bloomington Retail Furniture Dealers (McDaniels, Stull's, Westbury's, Wylie's and Furniture Center). He said that the funds will be used to buy an existing facility, not build a new one. The economic development statutes were meant to encourage economic development in depressed areas, provide jobs and to increase the tax base of the community. Most importantly, these projects are not supposed to compete with already existing projects of a similar nature. Kittle's is a fine company and they would be welcome in Bloomington but the question is whether they should be given the advantage of EDC bonds. Currently furniture store owners must pay 16% interest for their inventory and their net profits are only 3.4%. He urged the Council to table action on this resolution to determine whether it would have a negative impact on the community.

Allison asked what the bonds would be used for and Kittle answered for acquisition and development of property, not for merchandise.

Kittle replied to Chapman by saying that they will pay \$450,000 for a building that is currently vacant and pays very little property tax. Also they will be adding 15-20 jobs while the city would be losing four jobs without them. They plan to use local banks for loans for buying inventory and the interest rate on the bonds will be 9½-10½%. Buchanan's had a similar line of furniture but Ethan Allen is a new line with the closest distribution store in Greenwood. They may draw business from other stores but they do meet the standards set out in statute. He concluded that all furniture store owners have similar opportunities.

Hogan said that the Council has already granted similar requests and if they refuse this one they should be able to tell the EDC why. It is difficult to build anything without special financing these days and the Council should make every effort to be consistent.

Resolution 80-21 was then adopted by a roll call vote of Ayes: 7, Nays: 1 (Morrison).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-87 by title only.

Clerk Connors read Ordinance 80-87 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-83 by title only.

Clerk Connors read Ordinance 80-83 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-84 by title only.

Clerk Connors read Ordinance 80-84 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-86 by title only.

Clerk Connors read Ordinance 80-86 by title only and Allison read the legislative synopsis.

The meeting was then adjourned at 10:45 p.m.

FIRST READINGS
ORDINANCE 80-87
Amend 1980 Utilities
Dept. Salary Ord.

ORDINANCE 80-83
Amend '80 Salary Ord.
to Add Two Positions
in Human Res. Dept.

ORDINANCE 80-84
Amend '81 Salary Ord.
re: HRD Positions

ORDINANCE 80-86
Amend BMC re: Late
Utilities Payment
Charges

ADJOURNMENT

Common Council Minutes
October 2, 1980
Page eight

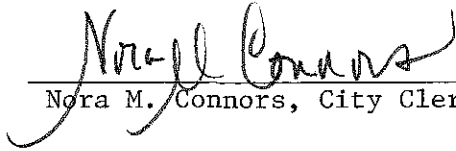
MINUTES APPROVED upon this 23rd day of October, 1980.

APPROVE:



Tomilea Allison, President
Bloomington Common Council

ATTEST:



Nora M. Connors, City Clerk

nmc