



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the June 9, 2004 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

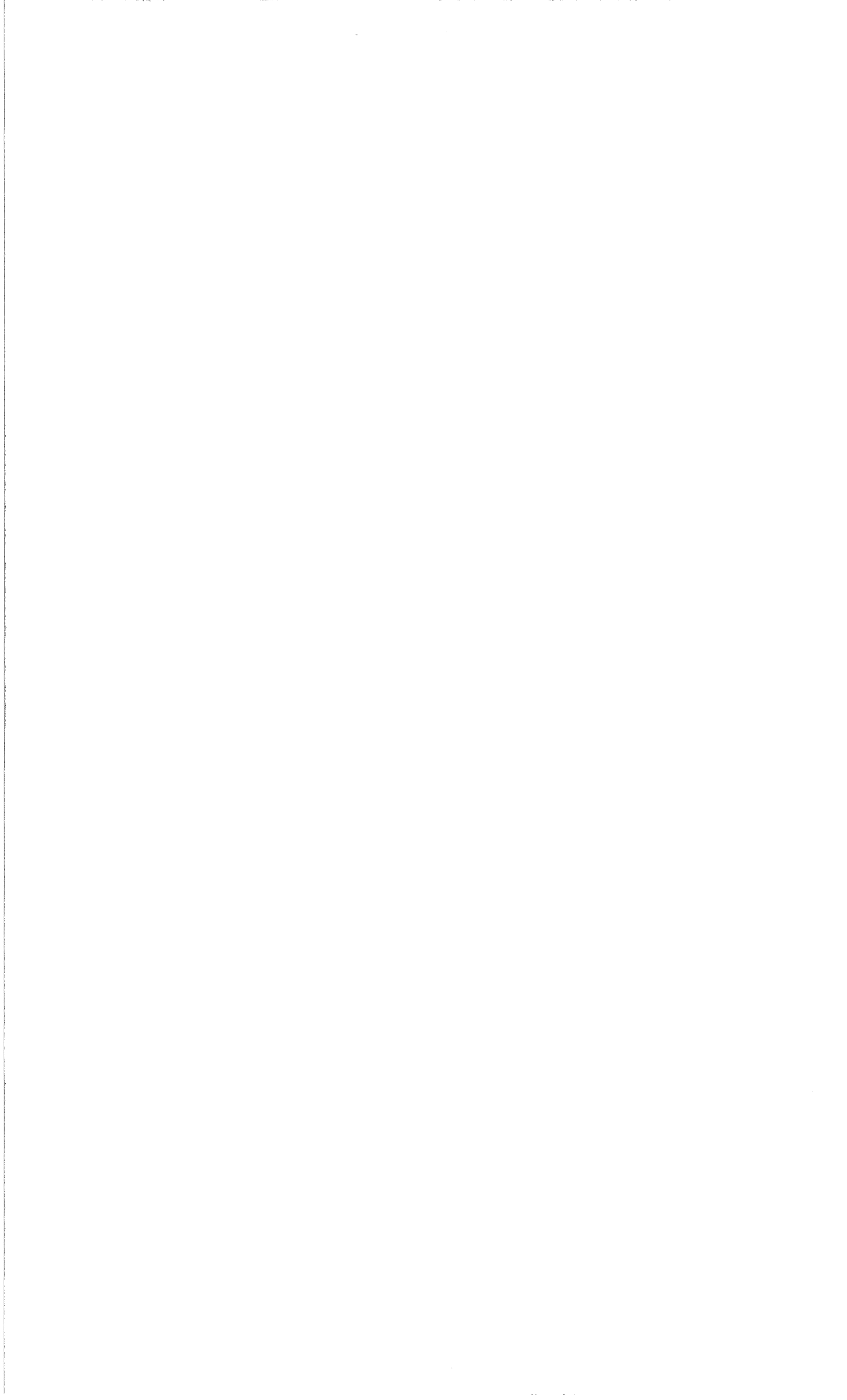
IN WITNESS WHEREOF, I  
hereunto set my signature as Clerk  
of the City of Bloomington on the  
date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date: 3-17-21

The attached copy of the minutes for the June 9, 2004 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the 17 day of March, 2021.

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Jim Sims  
President, Common Council  
City of Bloomington, Indiana



In the Council Chambers of the Showers City Hall on Wednesday, June 9, 2004 at 7:30 pm with Council Vice President Andy Ruff presiding over a Special Session of the Common Council.

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer  
(Diekhoff arrived at 8:25 p.m. after the first three votes)

Council Vice President Ruff gave the Agenda Summation.

It was moved and seconded that Ordinance 04-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 04-12 be adopted.

Susan Faley, City Legal Department, explained the Ordinance in detail.

There were no council questions.

There were no public comments.

There were no council comments.

Ordinance 04-12 received a roll call vote of Ayes: 8, Nays: 0 (Diekhoff had not yet arrived).

It was moved and seconded that Ordinance 04-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 3-1-4. It was moved and seconded that Ordinance 04-09 be adopted.

It was moved and seconded to limit debate on Ordinance 04-09 to the following schedule:

- Planning staff presentation: 20 minutes
- Petitioner Presentation: 30 minutes to be allocated as it wishes between opening and rebuttal
- Ramsey Farm Neighborhood Coalition Presentation: 20 minutes
- Sycamore Knolls Neighborhood Association Presentation: 20 minutes
- Public Comment: 5 minutes with only one opportunity to speak.
- Petitioner Rebuttal (as noted above)
- Council Member Questions: no time limit
- Council Member Comments: no time limit
- Council Member Vote

The motion to limit debate received a roll call vote of Ayes: 8, Nays: 0 (Diekhoff had not yet arrived).

It was moved and seconded to amend the title of Ordinance 04-09 in order to correct an error in the title of the ordinance so that it indicates that the ordinance approves and not merely amends the Preliminary Plan.

Volan asked why the amendment was necessary.

Dan Sherman, council attorney, said the amendment was necessary because the title was incorrect. He said tonight the council was approving the plan and not amending the plan.

COMMON COUNCIL  
REGULAR SESSION  
June 9, 2004

ROLL CALL

AGENDA SUMMATION

LEGISLATION FOR SECOND  
READING

Ordinance 04-12 Ordinance  
Authorizing Issuance of Lease  
Rental Refunding Bonds by the  
Monroe County Redevelopment  
Authority

Council Questions

Public Comment

Council Comments

Vote on Ordinance 04-12

Ordinance 04-09 To Amend the  
Bloomington Zoning Maps from RS  
3.5/PRO6 to PUD and to amend the  
Preliminary Plan for the Renwick  
Planned Unit Development (PUD) –  
Re: 2401 East Moores Pike (Ramsey  
Land Development, Petitioner)

Motion to limit debate on Ordinance  
04-09.

Amendment #1 The title to Ordinance  
04-09 shall be amended by replacing  
the word "amend" with the word  
"approve" as it appears before the  
words "the preliminary plan."

Council Question

There were no public comments.

Public Comment

There were no council comments.

Council Comment

Amendment #1 to Ordinance 04-09 received a roll call vote of Ayes: 8, Nays: 0 (Diekhoff had not yet arrived).

Tom McCudah explained how the rezoning project complied with the growth policy plan (GPP). He provided an illustrated plan for the subarea and explained the reasoning behind roundabouts. He answered specific questions from last week's meeting.

Eric Stolberg, from Winger/Stolberg Group, stated his engineering team was at the meeting to answer any questions. He said he hoped the council would vote to approve the Ordinance.

Ruff asked to hear from the Neighborhood Coalition of the Primarily Northern Neighborhood.

John Russel, representative for the northern neighborhood, stated his community did not want to be restructured.

Tim Buyers spoke of past violations made by Winger/Stolberg Group. He said the real estate plan would violate standards concerning energy efficiency.

Rebecca Vinelinger stated the real estate plan went against the standards set by the Growth Policy Plan Committee, especially concerning the park.

Charles Bonser spoke in opposition for Ordinance 04-09 because the new real estate development threatened the authenticity of Bloomington's downtown area.

Council President Michael Diekhoff introduced representatives from the Sycamore Knolls Neighborhood Association.

Carol McGregor, Chair of Planning and Development for the Sycamore Knolls Neighborhood Association, spoke of the goals behind her association. She stated her concern with the real estate plan.

Beth Ellis spoke in support for the plan. Ellis hoped the developers would focus on water drainage to prevent water runoff into her section of the neighborhood.

Bill McConnell said he did not believe this was a perfect plan, yet believed it was the best option presented.

Shirley Davies described the misconceptions associated with the commercial center. She spoke in support for the Ordinance.

Ivan Davies spoke in support for the Ordinance because integrating roundabouts into the area was the best option to slow traffic.

Jan Lamb, President of Sycamore Knolls Neighborhood Association, spoke in support for neighborhood development.

Mary Gardens stated her concern for traffic control on Morris Pike.

Nancy Bonser stated that Bloomington needed to be careful when developing areas to ensure the area was built well. She hoped every party's concerns would be heard and taken seriously.

Public Comment

Ranada Cassock spoke in support for the Ordinance because she wanted a commercial center near her home.

Keith Roberts spoke in support of developing Ramsey Farms, yet was concerned about traffic flow in that area. He said he was in opposition of a roundabout because it would create even more issues with traffic flows.

Fran Weinberg spoke of heavy traffic near Ramsey Farms and her apprehension for the Ordinance.

Steve Gotleap stated his concern for the development of this area.

David Wise spoke against the roundabout being added to his neighborhood because he was worried about pedestrian accidents due to speeding cars.

Jean Creek spoke against this Ordinance due to a lack of a park and the roundabout.

Octa Atwood described her educational background and explained the inefficiency of integrating a roundabout in this particular area.

Robert Terrell spoke in opposition of the roundabout.

Jim Sherman spoke about the psychological process of decision making. He stated his support for the Ordinance.

Mike Wilkerson stated his opposition for the Ordinance because he wanted some of the land to go towards creating a public park.

Ian Byers Ginsberg said he wanted a pedestrian crossing to enter South East Park to ensure safe crossing.

Paul Gordon spoke in opposition of the roundabout.

Jeff Brown stated his issues concerning the real estate development.

Heather Reynolds said she believed the development plan needed to be reevaluated because many issues had remained unsolved.

Isabel Piedmont spoke of her concerns for this project.

Pedro Roman spoke of environmental issues concerning the building project.

Ellen Stewart spoke of the impact small businesses had on a community.

Ted Nagen recommended a solution to slow down traffic on East Moores Pike.

Barbara McNamooore stated she did not believe this development project was in Bloomington's best interest.

Derek Fullerton stated his support for this Ordinance because the new development plan would lead to new opportunities.

Roberta McCuskey thanked the council for listening to the public.

Gail Hall stated her concern for the environment if this project was approved. She asked the council to reevaluate the Ordinance.

Diekhoff announced that without any other public comments, the petitioner now had the chance to rebuttal.

Jeff Grodner, the attorney representing Winger/Stolberg Group, said his company recognized there would be resident opposition to any neighborhood development. He said experts endorsed roundabouts as the best option for that area. He said roundabouts improved pedestrian safety as opposed to two way stops. He said the company was compliant with environmental code.

Sabbagh asked if the planning staff would later determine the size of the roundabout. Council Questions

McCudah said the council was to determine if the roundabout was a suitable concept for this development. If the council approved this Ordinance, the planning committee would move forward with the plans.

Sabbagh asked if public works meetings were open to the public.

McCudah said there would be a public process for review and consideration.

Sabbagh asked if federal guidelines were involved in the process.

McCudah said there were published federal guidelines for roundabouts that engineers must use.

Sabbagh asked if the pedestrian sidewalk on eastside of Winfield Drive would take precedent over other sidewalks.

McCudah said no it would not. He said if they created a list of pedestrian heavy areas, Winfield Drive would be lower than other areas. He said that was only an example to demonstrate how sidewalks were needed in this area to account for pedestrian traffic.

Sabbagh asked how experts were determined.

McCudah said experts were determined by their degrees and certifications.

Mayer asked if the petitioner had the right to build by right instead of going back to the petitioner process if the plan was denied.

McCudah said the petitioner can build by the RS3.5 zoning, subdivide the property, or utilize the PR06 for up to six units.

Mayer asked him to explain what those options meant.

McCudah explained the process.

Mayer asked about amenities that might be seen in the park or school.

McCudah explained the relevance of some aspects included in the development plan. He provided examples of amenities provided with the plan.

Ruff asked if the petitioners would return to the council for reevaluation if the council originally denied the petitioner and asked for specific plan changes. Ruff asked what the time limit would be.

McCudah said they would return to the council. He then explained the process for time frames given for development projects.

Ruff asked how many council meetings that would entail.

McCudah explained the number of council meetings would depend on the time frame given by the planning commission.

Ruff asked what public benefits might be lost if this development was approved.

McCudah said construction of trail, off-site sidewalks, off-site park improvements, and the dedication of parkland within the property would all be lost. He explained examples of smaller aspects that could be lost if the development was approved, such as lack of diversity and city input on design aspects.

Ruff asked to what extent potential improvements would be considered on-site and mandatory. He gave the example of requirements for a park.

McCudah gave the example that the city would not be able to require a pedestrian bridge.

Ruff asked why the city could not require safe pedestrian access to the site. Council Questions (*cont'd*)

McCudah said the developers followed the instructions given in the ordinance rather than following the growth policy plan. He said when dealing with pedestrian accommodation off of the property, the developers must meet minimal code requirements.

Ruff asked if the sidewalks could be required to the property line and if the pedestrian bridge could be required to the middle of the right-of-way.

McCudah said yes about the sidewalk requirements. He said he did not believe a pedestrian bridge could ever be required under any development scenario.

Ruff asked why the intersection was not being used in the development plan. He asked if adding lanes made pedestrian crossings more dangerous.

McCudah said evaluating tradeoffs for vehicular and pedestrian traffic is essential. He said the traffic study on Sare Road was going to be congested unless an extra lane was added.

Ruff asked if congestion was the only way to seek alternative transportation.

McCudah said widening intersections was the best way to handle street congestion.

Ruff asked how McCudah would respond to Atwood's points.

McCudah said when his team looked at potential traffic analysis, they did assume street crossings would be made.

Ruff asked him if the street could function without a roundabout because other streets in Bloomington were fine without one.

McCudah said other streets do function well without a roundabout, yet street efficiency was determined by pedestrian safety and vehicle speed.

Ruff asked if there was currently a safety issue for intersections in Bloomington.

McCudah said increasing safety was always a good idea.

Sturbaum asked what the solution would be for the roundabout since there were blind areas geographically.

McCudah said parts of the topographic area would have to be shaved down. He said there would be higher levels of safety in this area due to decreased speed and shaved hills.

Sturbaum asked if adding a roundabout was to increase road safety.

McCudah said that was correct.

Sturbaum asked if the two-way stop and multiple lanes was a safety issue for pedestrians.

McCudah said a longer street often led to increased dangers of pedestrian crossings.

Sturbaum asked if there would be an expansion of Southeast Park.

McCudah said no.

Rollo asked if there were other parties besides the Parks Department that advocated for dedication to the GPP and park expansion during the public process.

McCudah said during the public process, the Planning Department pushed for an expansion of Southeast Park. He said there was not a significant push from the public or any boards and commissions.

Rollo said the environmental committee, which he was a member of, pushed for park expansion. Rollo asked what fraction of the total traffic within that development were left turns on Morris Pike.

McCudah said there was a projected 483 left turns on Morris Pike.

Rollo asked if the volume of the ponds on the development property changed to accommodate the reduction of ponds.

McCudah said the pond distribution was the same from the initial submittal.

Tim Hansen, a consultant of the petitioner's team, said there were adequate areas on the site to keep the ponds.

Rollo asked if the water was going to other locations besides the designated ponds.

Hansen said the water was going to the same locations. He used a map to show the areas where the ponds were located.

Rollo asked how much of that water was going to the creek.

Hansen said the developers had already proposed that no water would descend the slopes other than what falls on the slopes.

Rollo asked McCudah if the developers must expand southeast park because the expansion was stated in the plans.

McCudah said this aspect was the most difficult to comply with because of conflicting plans between the developers and the parks department.

Rollo asked if there was land in the vicinity to expand the park if the original developers did not expand the park.

McCudah said there were several acres dedicated to a park in the middle of the development. He also said the developers had planned to expand the park.

Rollo asked if the pedestrian bridge was the safest passage for pedestrians to cross the street.

McCudah said that was correct.

Rollo asked why public entities were not informed of any storm water violations.

McCudah explained that the public policy stated the planning committee evaluated the petitioner's plan and did not evaluate track records.

Rollo asked if any history of the petitioner was considered.

McCudah said the planning commission made their decisions based on the use of land proposed and what the land impacts were.

Rollo asked Wininger/Stolberg Group about their previous storm water violations over the years. He asked why the company had failed to comply with the Clean Water Act.

Grodner said the company had made improvements to solve the issues of storm water citations.

Rollo asked if the company was in compliance at that moment in time.

Grodner said the company had a schedule for implementation and he believed the company had always been in compliance.

Rollo cited previous reports from a government official that sediment had entered the water connected to Stolberg's properties. He asked if Grodner was disputing the claims.

Grodner said he was not disputing that they had received citations and the company had appropriately complied.

Volan asked if the council could still send the developer's plan back to the planning commission for review.

Sherman said the council could not.

Volan asked Sherman what options the council had in regards to this plan.

Sherman said if the council voted against the development plan, the petitioner could return to the planning commission.

Banach said the petitioner could withdraw their petition and build by right.

Volan asked if the council requested the petitioner to return to the planning commission for further review at the previous meeting.

Sherman said the petitioners claimed they would return to the planning commission if the council had voted no.

Volan asked how much money would be needed to build everything listed in the plan. He also asked how much money the petitioner was donating to sidewalks and the park.

McCudah said some calculations had been made.



Council Questions (cont'd)

Volan asked if they could estimate how much the project would cost and what portion of that total was being used for sidewalks and parkland.

Grodner said because the plan was still in the preliminary stages, the developers could not estimate the total cost of the project.

Volan asked how it was possible for the developers to not possess that knowledge.

Grodner said the developers did not have that information with them. He said the company had not evaluated public benefit costs yet.

Sturbaum asked if the developers had any idea how long the construction would take concerning the roundabout.

McCudah said the developers were expecting to begin construction in 2005 if the plans were approved. He said the initial construction on Morris Pike would be addressed in early 2005.

Rollo asked if the plan was denied and the council gave specific instructions for improvements, could McCudah arrange another planning commission meeting in July.

McCudah said the next filing deadline for an early August meeting would have to occur by the end of June. He said there was no way to expedite the process due to the mandatory application process.

Rollo asked what the application process was for the PR06.

McCudah said it was the same process but there was not council consideration.

Sabbagh asked if there would be a sidewalk on the north side of Morris Pike headed west.

McCudah said one of the current plans for a sidewalk was on the north side of Morris Pike connected to Sare Road.

Sabbagh asked about a sidewalk headed west.

McCudah said a sidewalk would head towards Valley Forge, yet there were off-site gaps.

Grodner said if the council required the petitioners to reconfigure the maps, the planning process would prolong the construction.

Ruff asked if the petitioners would have to create a new plan for the by right construction.

Grodner said time would be needed to create a by right construction. He said the company would only have to look at the zoning ordinance for that specific area and not the growth policy plan.

Ruff asked if the developers could petition in early August with a new construction plan.

McCudah said a new plan would have to be filed in late June and then heard in August by the planning commission. He said that would be very difficult for the company to do in a few weeks.

Ruff asked the developers to explain the issues associated with the Morris Pike plan. He asked what the actual cost would be for various aspects of the plan.

McCudah provided an example of rock removal to be a significant and costly issue.

Ruff asked how much of an issue the construction of the roundabout would be.

McCudah said he was unable to answer that question.

Volan said Wyckoff's estimate to build a pedestrian bridge ranges from \$150,000 to \$600,000 depending on the amount of rock in that area.

Ruff asked why the time delays between the intersection and the roundabout were drastically different.

McCudah said the times were different because the engineers were

asked to analyze Morris Pike as a street. He said Morris Pike performed efficiently as a roundabout or a two-way stop.

Council Questions (cont'd)

Steve Smith, team member of Winger/Stolberg Group, said the wait time was longer at a two-way stop. He said a roundabout allowed cars to have minimal delay in stopping because every car had the right to go. He said two-way intersections were much more dangerous.

Ruff asked what times a road would see an increase in cut-through traffic.

Smith said cut-through traffic would be heaviest at all times of day.

Diekhoff asked what would happen to the crab apple trees along Morris Pike.

Hansen said the developers were committed to maintaining the trees. He said any trees that would have to be removed would be replanted on the property.

Diekhoff asked if the trees could be saved and replanted.

Hansen said the landscape coordinator said the trees could be removed and replanted.

Sabbagh said he was confident in the Planning and Transportation Director. He stated his concern for the sidewalks in that area. He said the west side needed more public parks. Sabbagh approved of the plan because it followed the GPP.

Rollo spoke in opposition for Ordinance 04-09. He explained his reasoning that the growth policy plan was flawed. He further explained his issues with the development plan. He said he wanted the plan to be sent back for review to the Planning Committee.

Council Comment

Mayer spoke in support for the Ordinance because it met all requests from citizens. He spoke of his support for neighborhood associations.

Banach stated his support for the Ordinance.

Sturbaum spoke of the benefits of neighborhood developments. He spoke in support of the new neighborhood development because the plan met the standards of the GPP. He also said the development would benefit the Bloomington community.

Gaal said he listened to all issues raised by the community. He explained how the new development would benefit the community. He said negotiations were difficult and the council did all they could to improve the plan for the development.

Ruff stated his opposition to Gaal's comments. He said the council had stated their issues with the plan since the Planning Commission published the developer's plan. He spoke of the issues with the developer's plan.

Volan said he was upset about Gaal's previous statements. Volan said he supported certain aspects of the developer's plan. He listed various issues found in the plan.

Diekhoff spoke in support of the roundabout because pedestrian safety would be improved with the plan. He stated his support for the Ordinance.

Ordinance 04-09 as amended received a roll call vote of Ayes: 6 (Banach, Sturbaum, Gaal, Diekhoff, Mayer, Sabbagh), Nays: 3 (Ruff, Rollo, Volan).

The meeting was adjourned at 1:00 am on 6-10-04.

ADJOURNMENT

APPROVE:

ATTEST:

Michael Diekhoff, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

APPROVED

