

AGENDA  
COMMON COUNCIL  
REGULAR SESSION  
OCTOBER 6, 1982

- 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. Ordinance 82-61 To Amend the Bloomington Zoning Maps.  
Re: Zoning changes from SI to RS, in the 300 Block of North Jefferson and North Bryan (Highland Homes).  
Committee Recommendation: Do Pass 8-0
  2. Ordinance 82-62 To Vacate a Public Right-of-Way.  
Re: North-South Alley located between 14th and 15th Streets between Madison and Woodburn Avenues.  
Committee Recommendation: Do Pass 4-2-2
  3. Ordinance 82-63 To Amend the Bloomington Zoning Maps.  
Re: Zoning Changes from BA to ML at 5228 N. St. Rd. 37  
Committee Recommendation: Do Pass 8-0
  4. Ordinance 82-64 To Ratify the Lease of Nineteen Motor Vehicles, Their Contents, Parts of Lots 78, 79, 80, 81, 82, and 83 in the Barclay Gardens Addition to the City of Bloomington to the Bloomington Public Transportation Corporation.  
Committee Recommendation: Do Pass: 7-1
  5. Ordinance 82-65 To Amend Chapter 14.36 of the Bloomington Municipal Code to Add Section 14.36.020 Entitled "Automatic Telephone Devices Prohibited".  
Committee Recommendation: Do Pass 8-0
  6. Appropriation Ordinance 82-13 To Specially Appropriate from Federal Revenue Sharing Trust Fund Expenditures Not Otherwise Appropriated by The City of Bloomington (PSI legal costs)  
Committee Recommendation (9/8/82): Do Pass 8-1
- VII. LEGISLATION FOR FIRST READINGS - INTRODUCTION OF ORDINANCES
  1. Appropriation Ordinance 82-15 To Specially Appropriate from the Motor Vehicle Highway Fund Expenditures Not Otherwise Appropriated By the City of Bloomington
  2. Ordinance 82-66 To Transfer Appropriations within the Federal Revenue Sharing Fund
- VIII. MINUTES FOR APPROVAL SEPTEMBER 15, 1982 and SEPTEMBER 29, 1982
- IX. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on October 6, 1982, with Council President Murphy presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
OCTOBER 6, 1982

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

ROLL CALL

President Murphy read the Agenda Summation.

AGENDA SUMMATION

Service announced the first display in the Council chambers by the Arts Commission, a show by 10 local photographers to run until October 28, when a new show will replace it. She said that there will be a new display every month.

MESSAGES FROM  
COUNCILMEMBERS

Allison announced that yesterday the blacktop was removed from the Old Library grounds through a joint cooperative effort between business firms and government agencies. She especially wanted to thank the Mike Demshar and Foster Curry Construction Companies, and the Monroe County Commissioners and County Highway Department, and the Bloomington Utilities Department. She said that this type of community cooperation was needed, as this is one of the only truly community buildings that the city has, and a wide range of community involvement is needed in its refurbishing. She mentioned that they were now looking for donations of topsoil and straw.

Murphy drew attention to a "Sixty Minutes" program featuring visits to convalescent homes by people bringing animals. He said the City Animal Shelter has a similar program run by 2 volunteers, Charlene Clifford, and Lisa Loudermilk.

He said that the H-T had brought up the fact that the Utilities Service Board had approved \$8,400 for windows in the Service Center. He stated that he was unhappy with this and saw it as an example of wasteful government spending.

There were no messages from the Mayor.

MESSAGES FROM THE  
MAYOR

Murphy asked Olcott for a report from the committee set up to look into standards for awarding economic development bonds. Olcott reported that the committee has no recommendations at this time because they understand that the Federal government is going to set standards via a new tax law effective January 1983. They would like to wait and see how that works out. Olcott did recommend that if a manufacturer like IPCO requested bonds before this law went into effect, they be considered positively.

COMMITTEE REPORT

Micah Roseberry of the Wildgrove Gardeners group spoke about a problem at the Wildgrove Community Garden on N. Rogers St. Because of neighbor's complaints, the nuisance officer sent a notice to the landlord, IU, to cut the "weeds". IU sent a mower out, and Roseberry said that 75% of the garden was mowed, because much of the "weeds" were being grown as food. She protested the definition of weeds, the 5 day notice, and the fact that there was no appeal process.

PETITIONS &  
COMMUNICATIONS

Some discussion followed regarding the definition of weeds, the appearance of the individual garden plots, and the purpose of the existing weed control ordinance. City Attorney Bill Finch spoke regarding the city's role in the mowing. Councilmember Service expressed an interest in amending the old ordinance to provide for this type of situation. She and the Council attorney will work on it.

SECOND READINGS:

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 82-61 by title only.

ORDINANCE 82-61  
To Amend Zoning  
in 300 block of N.  
Jefferson and N.  
Bryan from SI to RS

Deputy Clerk Fernandes read Ordinance 82-61 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 82-61.

Dilcher read the synopsis and gave the Committee report of Do Pass recommendation of 8-0.

Ordinance 82-61 was adopted by a vote of 7-0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 82-62 by title only.

ORDINANCE 82-62  
To Vacate a R.O.W.  
of a N-S alley located  
between 14th & 15th  
and Madison & Woodburn

Deputy Clerk Fernandes read Ordinance 82-63 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 82-62.

Dilcher read the synopsis and gave the Committee report, a Do Pass recommendation of 4-2-2,

Tim Mueller said the Plan Commission has had a preliminary hearing on this and has scheduled a final hearing which should review some extensive revisions on October 18. However, it will be the same number of units (8), the same parking, and the same drainage, as specified in the Committee hearing. The drainage problem is a natural phenomena and beyond our regulatory ability to force the developer to solve. Also there are no public facilities near for the discharge. Under this zoning, the area can still be developed as multi-family whether the alley is vacated or not.

Service said she had looked at the site and had no problem with that type of building there. Her only concern was the drainage on that steep lot, and hoped that there would be a provision in the site plan to take that into account. She said she was interested in what the Plan Commission does at their final review. She then moved to table the Ordinance until after October 18.

Olcott seconded, and it was voted to table the ordinance 4-3. (Nays-Murphy, Dilcher, Olcott.)

Olcott moved and Morrison seconded a motion to read Ordinance 82-63 by title only. Deputy Clerk Fernandes read Ordinance 82-63 by title only. Olcott moved and Morrison seconded a motion to adopt Ordinance 82-63.

ORDINANCE 82-63  
To Amend Zoning:  
From BA to ML at  
5228 N. St. Rd. 37  
(Mayflower)

Dilcher read the synopsis and gave the Committee Recommendation of Do Pass 8-0.

Olcott asked why Mayflower was already constructing a building there if the zoning hasn't been changed yet. Mueller said that on the record, the building permit applied for a BA use, to be changed to an ML use if the zoning was changed. If the zoning was not changed, Mayflower would find a BA tenant or use for it.

Ordinance 82-63 was adopted by a vote of 8-0.

Olcott moved and Morrison seconded a motion to introduce and read by title only Ordinance 82-64. Clerk Fernandes read Ordinance 82-64 by title only. Olcott moved and Morrison seconded a motion to adopt Ordinance 82-64. Dilcher read the synopsis and gave the Committee Recommendation of Do Pass 7-1.

ORDINANCE 82-64  
To Transfer leases  
of equipment and real  
estate from Bloomington  
Transit to the Public  
Transportation Corp.

Ordinance 82-64 was adopted by a vote of 5-2. (Morrison, Hogan)

Olcott moved and Morrison seconded a motion to introduce and read by title only Ordinance 82-65. Deputy Clerk Fernandes read Ordinance 82-65 by title only. Olcott moved and Morrison seconded a motion to adopt Ordinance 82-65. Dilcher read the synopsis and gave the Committee Recommendation of Do Pass 8-0.

ORDINANCE 82-65  
To Amend the BMC  
to add Section 14.36.020  
"Automatic Telephone  
Devices Prohibited"

Olcott commented that he had had comments from business people indicating that their fears regarding the service had been put to rest. Service said she was concerned with the cost equivalency question.

The ordinance was adopted by a vote of 7-0.

Olcott moved and Morrison seconded a motion to introduce and read by title only Appropriation Ordinance 82-13. Deputy Clerk Fernandes read the ordinance by title only. Olcott moved and Morrison seconded a motion to adopt the ordinance. Dilcher read the synopsis.

APPROPRIATION  
ORDINANCE 82-13  
To appropriate from  
FRS funds for PSI  
legal costs.

Hogan said he objected to using the taxpayer's money for this.

Olcott said he thinks that the Mayor, City Attorney, and Utilities Department Director should represent Bloomington in this issue. He said that we don't need to spend money on legal fees, and it would be more effective for Mayor McCloskey to speak for us.

Service said she went to the IACT conference and learned that all cities felt adversely affected by this and this was not a partisan issue and not a case of Bloomington being "radical". She felt that a lawsuit would be the only thing PSI would listen to. This appropriation is not a major chunk of the budget, but the utilities cost is.

Allison said that she heard the Public Service Commission Chairman speak to a room filled with mayors from all over the state, and she questioned whether another mayor complaining would have any effect. The PSC chairman stated that the rate increase was "dictated by the facts", but when questioned about return on investments, said that Indiana was on the "leading edge" of return. She felt that what were cited as facts may be very subjective judgements. She said that to get the best rate we can, we need trained people to fight for it.

Dilcher moved to table this ordinance and Allison seconded. The ordinance was tabled by a vote of 5-2. (Hogan, Olcott). Olcott left (8:30).

The following ordinances were introduced and read for first reading by title only by Deputy Clerk Fernandes and Dilcher read the synopses.

FIRST READINGS:  
Appropriation Ord.  
82-15  
Ordinance 82-66

Appropriation Ordinance 82-15 To Specially Appropriate from the Motor Vehicle Highway Fund Expenditures Not Otherwise Appropriated by the City of Bloomington.

Ordinance 82-66 To Transfer Appropriations Within the Federal Revenue Sharing Fund.

Dilcher moved to approved the Minutes of September 15 and September 29, 1982. Morrison seconded and the minutes were approved.

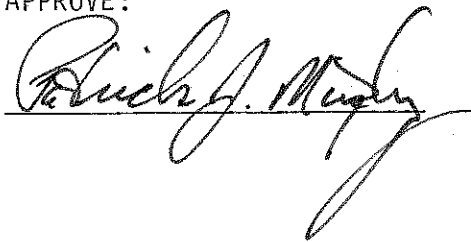
APPROVAL OF MINUTES:  
September 15 & 29, 1982

The meeting was adjourned at 8:40 p.m.

ADJOURNMENT

MINUTES were approved this 20 day of October, 1982.

APPROVE:



ATTEST:

