

AGENDA  
COMMON COUNCIL  
REGULAR SESSION  
MAY 20, 1981, 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 81-10 To Declare Void Certain Project Appropriations Within the Local Road and Street Fund  
Committee Report: Do Pass 7-0
  2. Ordinance 81-51 Budget Transfers  
re: Police and Fire Pension Funds & Rosehill Cemetery Fund  
Committee Report: Do Pass 7-0
  3. Appropriation Ordinance 81-5 To Appropriate Funds from the Local Road and Street Fund for Traffic Signal Modernization  
Committee Report: Do Pass 8-0-1
  4. Ordinance 81-52 To Amend the 1981 Salary Ordinance for Appointed Officers and Employees to Create Two New Positions in the Human Resources Department  
Committee Report: Do Pass 9-0
  5. Ordinance 81-45 To Amend the 1981 Salary Ordinance for Appointed Officers and Employees to Reorganize the Redevelopment Department  
Committee Report: Do Pass 8-0-1
  6. Ordinance 81-44 To Amend the 1981 Salary Ordinance for Appointed Officers and Employees to Create the Position of Animal Control Officer  
Committee Report: Do Pass 9-0
  7. Ordinance 81-47 To Amend Zoning re: E. Tenth Street east of Woodbridge Apartments as a Planned Commercial Development and Approval of Outline Plan  
Committee Report: Do Pass 9-0
  8. Ordinance 81-49 To Amend Zoning re: Sare Road south of Moore's Pike from RE to RS/Planned Unit Development and Approval of Outline Plan (Young)  
Committee Report: Do Pass 8-0-1
  9. Ordinance 81-50 To Amend Zoning re: west side of SR 37 between Rhorer Road and Fairfax Road from RE to BA (Todd)  
Committee Report: No Recommendation 6-1-2
  10. Ordinance 81-26 To Amend Zoning re: 1201 W. Allen St. from RS, MG to RL/PUD (Zai) (Postponed at April 15 meeting)
- VII. INTRODUCTION OF ORDINANCES FOR FIRST READING
  1. Ordinance 81-56 To Add Section 15.64.430, Entitled "Parking Spaces Reserved for Handicapped Persons," to the BMC
  2. Ordinance 81-57 To Authorize EDC Bonds for Bloomington Plaza Company, Series A, B and C (Kroger Project on College Mall Road)
  3. Ordinance 81-54 To Amend the BMC to Increase the Membership of the Historic District and Building Study Committee
  4. Ordinance 81-53 To Amend Zoning re: 104 E. 14th from RL to BG (Graham)
  5. Ordinance 81-55 To Amend Zoning re: 800 W. 11th from RS to RM (Underriner)
  6. Ordinance 81-61 To Amend Zoning re: 1801-1901 E. 10th from BL to BG (I.U. Foundation and other property owners)
  7. Ordinance 81-8 Annexation of Woodbridge Apartments on E. Tenth Street
  8. Ordinance 81-9 Annexation of 309 Acres at the NE Corner of Winslow Road and Henderson Street

VIII. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on May 20, 1981, with Councilpresident Towell presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
MAY 20, 1981

Councilmembers present: Allison, Towell (arrived during discussion of Appropriation Ordinance 81-5), Olcott, Morrison, Murphy, Porter (arrived during discussion of Ordinance 81-49), Hogan (arrived during discussion of Ordinance 81-47), Dilcher, and Service.

ROLL CALL

Councilpresident Pro-Tem Murphy gave the agenda summation.

AGENDA SUMMATION

Allison thanked the Girls Club of Monroe County for their time and effort in planting flowers in Bryan Park.

MESSAGES FROM  
COUNCILMEMBERS

Service urged people to attend the Towne Theatre Production of The Mad Woman of Chaillot.

Murphy thanked I.U. for all the work they have done to improve the intersection of Ninth and Indiana, particularly for the new sidewalks.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 81-10 by title only.

RESOLUTION 81-10  
To Declare Void  
Certain Project  
Funds w/n the  
Local Road &  
Street Fund

Clerk Connors read Resolution 81-10 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 81-10.

Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 6-0.

Resolution 81-10 was then adopted by a roll call vote of Ayes: 6, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-51 by title only.

ORDINANCE 81-51  
Budget Transfers  
Police & Fire  
Pension Funds &  
Rosehill Cemetery  
Fund

Clerk Connors read Ordinance 81-51 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-51.

Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 6-0.

Ordinance 81-51 was then adopted by a roll call vote of Ayes: 6, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 81-5 by title only.

APPROPRIATION  
ORDINANCE 81-5  
Funds from LR&S  
for Traffic Sig-  
nal Modernization

Clerk Connors read Appropriation Ordinance 81-5 by title only.

Olcott moved and Morrison seconded a motion to adopt Appropriation Ordinance 81-5.

Towell entered at this point.

Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 8-0-1.

Appropriation Ordinance 81-5 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-52 by title only.

ORDINANCE 81-52  
To Amend 1981  
Salary Ord. to  
Create Two New  
Positions in the  
Human Res. Dept.

Clerk Connors read Ordinance 81-52 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-52.

Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 9-0.

Ordinance 81-52 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-45 by title only.

Clerk Connors read Ordinance 81-45 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-45.

Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 7-0.

Ordinance 81-45 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-44 by title only.

Clerk Connors read Ordinance 81-44 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-44.

Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 9-0.

Ordinance 81-44 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-47 by title only.

Clerk Connors read Ordinance 81-47 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-47.

Service said that she understood that the land involved covers nine acres and 54 units will be built, rather than the 60 units on ten acres reported in the paper.

Olcott asked about the access road, and Mueller said that the new road will be a curved, public street which abuts the property line, with a "T" intersection.

Hogan entered at this point.

Ordinance 81-47 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Porter entered at this point.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-49 by title only.

Clerk Connors read Ordinance 81-49 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-49.

Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 8-0-1.

ORDINANCE 81-45  
To Amend 1981  
Salary Ordinance  
to Reorganize  
the Redevelop-  
ment Department

ORDINANCE 81-44  
To Amend 1981  
Salary Ordinance  
to Create the  
Position of Ani-  
mal Control Of-  
ficer

ORDINANCE 81-47  
Amend Zoning re:  
E. 10th St. east  
of Woodbridge  
Apartments as a  
PCD and Approval  
of Outline Plan

ORDINANCE 81-49  
Amend Zoning re:  
Sare Road south  
of Moore's Pike  
from RE to RS/  
PUD and Approve  
Outline Plan  
(Young)

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Hogan said the size of this complex indicates that Bloomington is still a growing community, unlike most cities around the state.

Ordinance 81-49 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-50 by title only.

Clerk Connors read Ordinance 81-50 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-50.

ORDINANCE 81-50  
Amend Zoning re:  
west side of SR  
37 between Rhorer  
Road and Fairfax  
from RE to BA  
(Todd)

Dilcher read the legislative synopsis and gave the committee report with No Recommendation by a vote of 6-1-2.

Planning Director Tim Mueller explained that there are few commercial uses south of Rhorer Road, and there are many area residences that would suffer from land-use conflicts such as Mr. Todd proposes.

Area resident Mrs. Young said that Mr. Todd had informed her that she couldn't come to the Council meeting this evening and that she would be evicted if she spoke at the meeting. She said Mr. Todd has cleaned up his property since the last Council Committee meeting.

Morrison said it is amazing that the City would allow a building the size of Mr. Todd's so close to the street. Mueller explained that the zoning ordinance does not set out the maximum size for accessory buildings to be used in conjunction with residential uses. Building Commissioner Glen Skirvin informed Mr. Todd that commercial use of the building would not be permitted. A code amendment is probably needed to address this problem. He then read the permit issued to Mr. Todd which states that solely residential uses would be permitted in the building.

Mr. Todd said that he is using the building for storage, and he will not shut his business down. In answer to a question from Dilcher concerning whether all of the property inside the building was his, Todd said yes, he has a jeep, motor boat, motor home, three tractors, a couple of welders and an air compressor on a trailer. He added that at least all of his equipment is hidden from view with the new building. They are not working out of it now, but they may some day.

Service said it looked like commercial storage to her, but the real issue is rezoning, and it is quite possible that there would be even more offensive uses of the property in the future if the rezoning were to be granted.

Hogan said perhaps it is possible only to rezone part of the ten acres.

Olcott said that just because Mr. Todd has been in the area for a long time doesn't mean he can violate the zoning ordinance. His shop was grandfathered, but not across the street in its current location.

Morrison said he would be more than happy to grant a rezoning for a piece of land that is large enough to do business on, but not ten acres.

Mr. Todd said he doesn't really want ten acres, he just wants to be able to continue operating at his present site.

Mueller said the Plan Commission discussed the possibility of rezoning a smaller piece of land, but the staff recommended against this because it would be spot zoning and strip zoning. The Plan Commission is not likely to change their minds on this.

Hogan asked if a Planned Commercial Development designation had been discussed for the site, and Mueller replied no, but it is an alternative that could be considered.

Towell said he finds it abhorrent for someone to flaunt the law like this and "skate over the truth". He said his opinion of the rezoning has been "soured" by Mr. Todd's attitude.

Ordinance 81-50 was then denied by a roll call vote of Ayes: 0, Nays: 9.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-26 by title only.

Clerk Connors read Ordinance 81-26 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-26.

ORDINANCE 81-26  
Amend Zoning re:  
1201 W. Allen  
St. from RS, MG  
to RL/PUD (Zai)

Dilcher read the legislative synopsis, noting that this had been postponed from the April 15 Council meeting.

Tim Mueller explained that most of the discussion on this ordinance has revolved around a dispute on the boundaries of the property line, whether Walker Street exists on the site, etc., but he reminded the Council that the issue to be considered is the rezoning. The Plan Commission approved the rezoning with several conditions: (1) a retaining wall must be built at the driveway, (2) a deceleration lane must be constructed on Allen Street to take care of vision problems, (3), a redesign of the layout grades, drainage, corner radii's, and tree preservation, and (4) adequate pedestrian access provided from the trailer park to Allen Street.

Olcott asked if the City is claiming that Walker Street doesn't exist, and Mueller said the Farkas survey done for RCA shows 33' of extra space, but the City is saying that the land was never correctly conveyed to the city as public right-of-way. Two old plats in the Engineering Department show the right-of-way, but there is no record of conveyance. City Attorney Bill Finch said Mr. Zai should probably quiet his title before he spends money on the new development. The legal description in the ordinance makes reference to the lot numbers Mr. Zai owns; the question is where these lots fall on the ground.

Hogan said Mr. Zai has a right to ask for the rezoning, adding that the issue may have to be settled in court.

Olcott asked if it would be appropriate for the Council to add something that says Walker Street is excluded, and Mueller replied that since it doesn't exist it is probably not necessary.

Allison said it would probably be better not to make any reference to it, and added that the City really doesn't have to get into this matter simply because there are some hand-drawn maps in Engineering which show the right-of-way. She continued that it is too bad that this wasn't settled in court earlier, but she wondered if the PUD designation would still hold if the courts determined that Farkas' survey was correct. Mueller replied that the City will not have any additional information when they consider the development plan. In any case, he thinks the PUD would still hold because Zai's two lots are being rezoned. There is a possibility that the plans would have to be revised, but it would not come back before the Council.

Olcott said Allen Street is very dangerous, and he doesn't think Zai's plans are that good.

Ordinance 81-26 was then adopted by a roll call vote of Ayes: 7, Nays: 2 (Allison and Olcott).

The following first readings were moved by Olcott and seconded by Morrison to be read by the Clerk by title only. The Clerk read each by title only and Towell read the legislative synopses.

Ordinance 81-56 To Amend BMC to Add "Parking Spaces for the Handicapped"

Ordinance 81-57 To Authorize EDC Bonds for Bloomington Plaza Company, Series A,B,C, (Kroger Project)

Ordinance 81-54 To Amend BMC to Increase the Membership of the Historic District and Bldg. Study Committee

Ordinance 81-53 To Amend Zoning re: 104 E. 14th Street from RL to BG (Graham)

Ordinance 81-55 To Amend Zoning re: 800 W. 11th Street from RS to RM (Underriner)

Ordinance 81-61 To Amend Zoning re: 1801-1901 E. Tenth from BL to BG (I.U. Foundation and other property owners)

FIRST READINGS  
Ordinance 81-56  
Ordinance 81-57  
Ordinance 81-54  
Ordinance 81-53  
Ordinance 81-55  
Ordinance 81-61  
Ordinance 81-8  
Ordinance 81-9

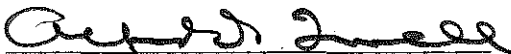
The meeting was then adjourned at 9:30 p.m.

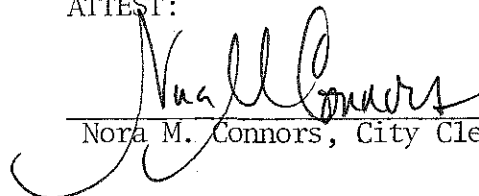
ADJOURNMENT

MINUTES APPROVED this 17<sup>th</sup> day of June, 1981

APPROVE:

ATTEST:

  
Alfred I. Towell, President  
Bloomington Common Council

  
Nora M. Connors, City Clerk

nmc