

AGENDA
COMMON COUNCIL
SPECIAL SESSION
WEDNESDAY, JANUARY 16, 1980
COUNCIL CHAMBERS

7:30 p.m. Special Session

- 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 80-3 To Urge the Bloomington Parks and Recreation Board to Continue Its Support for the Community Market in Third Street Park
 2. Ordinance 80-9 To Amend Zoning Maps
re: SW corner of Whitehall Pike and Indiana 37 as a Planned Commercial Development (Whitehall Associates - K-Mart)
 - VII. ADJOURNMENT
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8:00 p.m. Committee Meeting

1. Ordinance 80-3 To Amend Section 17.04.050 of the Bloomington Municipal Code, Entitled "Construction Regulations--Adoption by Reference" to Adopt the Indiana Energy Conservation Rules and Regulations for New Building Construction
Asked to attend: Engineering Department representative
2. Ordinance 80-11 To Amend Section 9.08.070, "Late Payment Charge", and Chapter 9.12, "Water Service Charges", of the BMC
Asked to attend: Stu McClure, Utilities Director
3. Ordinance 80-12 To Amend Section 9.08.070, "Late Payment Charge", and to Repeal Chapter 9.12, "Water Service Charges", of the BMC
Asked to attend: Stu McClure, Utilities Director
4. Ordinance 80-1 To Amend Section 15.40.020 of the BMC, "Speed Regulations"
Sponsor: Mayor's Office
5. Ordinance 80-2 To Amend Section 15.40.020, "Speed Regulations", and 15.64.410, "No Parking Zones", of the BMC
Asked to attend: Mayor's Office (sponsor of part one); Traffic Commission
6. Ordinance 80-14 To Approve Rate Increases for Monroe Cable TV
Asked to attend: Bary Wilson, Cable TV Company
7. Ordinance 80-10 To Amend Zoning Maps
re: SE corner of Pete Ellis Drive and E. 10th Street (Garton)
Parcel A: From BL, RL and RH to RL
Parcel B: From RL, BL and RH to BL
Asked to attend: Tim Mueller, Planning Director; Jim Cotner, Attorney for Petitioner
8. Ordinance 80-5 To Amend Zoning Maps
re: 3500 block of Old Walnut Pike (east side) as a Planned Unit Development (Southern Monroe Development Corporation)
Asked to attend: Tim Mueller, Planning Director; Frank Barnhart, Attorney for Petitioner

In the Common Council Chambers of the Municipal Building held on January 16, 1980 at 7:30 p.m. with Council president Tomilea Allison presiding over a special session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
JANUARY 16, 1980

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

ROLL CALL

THESE MINUTES ARE A SUMMARY - TAPES AVAILABLE IN THE COUNCIL OFFICE

Allison read the agenda summation, and asked that the agenda be amended to include Resolution 80-3, To Urge the Bloomington Parks and Recreation Board to Continue Its Support for the Community Market in Third Street Park.

AGENDA SUMMATION

Towell moved and Morrison seconded a motion to amend the agenda to include Resolution 80-3. Motion carried by a vote of Ayes: 8, Nays: 0.

Towell commented that Third Street Park seems to be the best location available for the Farmer's Market, which is one of the most popular programs in the City. Ideally, a permanent location can be found for future markets.

Olcott said he agrees that it is an excellent program, but that he thinks it is the Parks and Recreation Board's responsibility, not the Council's, to determine how the parks will be used.

Service said she is very much in favor of locating the market in Third Street Park until a more suitable downtown location can be found.

Morrison said he is in favor of keeping the market in Third Street Park, noting that the parks are to be used by the people of Bloomington and this is an excellent use for a City park.

There were no Messages from Councilmembers.

MESSAGES FROM
COUNCILMEMBERS
PET. & COMMUNICATION

There were no Petitions or Communications.

There was no Message from the Mayor.

MESSAGE FROM MAYOR

Towell moved and Morrison seconded a motion to introduce and read Resolution 80-3 by title only.

RESOLUTION 80-3
To Urge the Parks
& Rec. Board to
Continue Their
Support of the
Community Market in
Third St. Park

Clerk Connors read Resolution 80-3 by title only.

Towell moved and Morrison seconded a motion to adopt Resolution 80-3. Allison read the legislative synopsis and said there does not seem to be any suitable alternative location for the market at this time.

Resolution 80-3 was then adopted by a roll call vote of Ayes: 7, Nays: 1 (Olcott).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-9 by title only.

ORDINANCE 80-9
To Amend Zoning re:
SW corner of White-
hall Pike and
Indiana 37 as a
P.C.D.

Clerk Connors read Ordinance 80-9 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-9. Allison read the legislative synopsis.

Tim Mueller, Planning Director, addressed the Council. He said this project has been in the discussion stage since last spring and the Plan Commission has been considering this since October and finally amended and adopted it in December. He explained that the developers have requested a special meeting of the Council so that they can begin construction before the ground freezes. He said the Planning staff prefers to do a thorough analysis of all petitions, but this request has been considered on an emergency basis. He said that the Planned Commercial Development designation allows for greater flexibility and more control over the development by the City. The request before the Council is a revision to the outline plan which was approved by the Council in 1975. The previous plan called for

an enclosed mall with three large department stores with one access on Curry Pike and three on Whitehall Pike. The plan was approved earlier, but street improvements and the phasing of the development were left up in the air. The plan now has an outline for half commercial use with the main store being a K-Mart in addition to a supermarket. These two stores would be built first along with a savings and loan facility. Further development would proceed in five phases. The essential issue for the Council to consider is improvements to abutting streets: Whitehall and Curry Pike. He showed a diagram of the exits and entrances with two eastbound and two westbound lanes on Whitehall in addition to one exclusive turn lane. An additional entrance is provided for the savings and loan facility. The developer thought that since the size of the development has been scaled down due to economic reasons, then proposed improvements to Whitehall Pike should also be scaled down. The Plan Commission's vote was contingent on the additional left turn lane and two westbound lanes. A controversy also arose between the developers and Cook, Incorporated, over drainage concerns, but these have been resolved with new storm sewers that will direct water away from the Cook, Incorporated watershed.

Morrison asked why an exit is needed so close to Highway 37. He said he didn't think there would be a long enough stretch of road between the exit and the left turn lane to Highway 37 in order to make crossing four lanes of traffic a safe maneuver.

Mueller replied that the state is considering improvements to the intersection, including the possibility of a cloverleaf and this could mean that the exit would have to be moved. The developers have said that K-Mart insists on having this exit.

Steve Smith, City Engineer, discussed possible improvements to the intersection, stating that he thinks a grade separation would be granted, but not a cloverleaf.

Morrison said he thought that improvements to the intersection are too important to jeopardize with an access point so close to the highway. He suggested that the developer agree to a deal where they would not ask for damages from the state if their access is removed at a later date.

Tim Mueller said the City probably doesn't have the power to do that and added that 400 feet from the access to the Bypass is not that close except for those exiting and wanting to turn left to go south on the bypass.

Service said that more study may be needed on economic impacts. She said that this development may hurt the downtown or east-side businesses.

Jeff Grodner, attorney for the petitioners, Whitehall Associates, said that they have an agreement to develop the store for K-Mart. The store will create 50 full-time and 25 part-time jobs along with 200 local construction jobs. He contended that the access near the Bypass was approved by the Council in 1975 and added that the state is many years from implementing improvements to the intersection in any case.

Morrison asked the petitioner's traffic engineer if 400 feet is enough distance between the access point and the bypass, and the engineer answered yes, and that he had done the same thing with only 250 feet.

Grodner offered that the developer would agree to forego development of parcel "3B" (that closest to the bypass) for a period of one year to see if the state decides what will be done with the intersection. Beyond that time, it would not be economically feasible to wait.

Olcott asked if the area is to be annexed, and Grodner replied that they are working on an in-lieu-of-annexation agreement.

Allison said the Council has several alternatives: (1) to pass the ordinance contingent on state approval of the improvements, (2) to amend the outline plan to alter the east exit, (3) postpone parcel 3B for twelve months. She said she thinks the exit is dangerously close to the bypass.

Grodner said two exits are simply not adequate to accommodate all of the traffic in and out of the development. They said that K-Mart would refuse to build if this access is not granted and if they didn't build, the entire project would not be feasible. He said that the compromise on developing parcel 3B should be enough.

Morrison said the westside needs a shopping center, but that he disagrees with the east exit near the bypass because he thinks it will create accidents. He said if it turns out that it is dangerous, he would urge his constituents to boycott the K-Mart store.

Tim Mueller asked assurance from the developer that there will be an easement and access available to Curry Pike for phase five and that this be filed with the City in order to be in effect. This will allow further industrial development.

Olcott moved and Morrison seconded a motion to approve Mueller's suggestion. Motion carried by a vote of Ayes: 8, Nays: 0.

Morrison moved and Towell seconded a motion to require that development of parcel 3B be postponed for one year. Motion carried by a vote of Ayes: 8, Nays: 0.

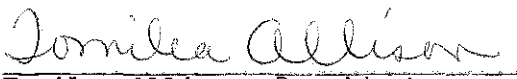
Towell moved and Morrison seconded a motion to approve Ordinance 80-9 80-9 w/conditions. Motion carried by a vote of Ayes: 7, Nays: 1 (Allison).

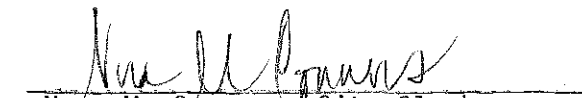
The meeting was then adjourned at 9:30 p.m. and was followed by a committee meeting.

ADJOURNMENT

APPROVE:

ATTEST:


Tomilea Allison, President
Bloomington Common Council


Nora M. Connors, City Clerk

MINUTES approved this 6th day of February, 1980.

nmc