

In the Council Chambers of the Municipal Building held on Wednesday, February 3, 1993 at 7:30 P.M. with Council President Hopkins presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
FEBRUARY 3, 1993

Roll Call: Sherman, Miller, Fernandez, Hopkins, Service, White, Swain, Kiesling. Absent: Fernandez, Cole.

ROLL CALL

President Hopkins gave the agenda summation.

AGENDA SUMMATION

The minutes of January 20, 1993 were approved by a voice vote.

APPROVAL OF MINUTES

Sherman commented on the recent newspaper articles regarding IU faculty teaching and he wished to strongly state what a good job our faculty does for the community and university. They are a resource for the entire community.

MESSAGES FROM
COUNCILMEMBERS

Swain invited everyone to a Black History event/competition on Sunday, February 7 to join MCCSC students in a "Trivia Quiz".

Miller said Spike Lee would be in Bloomington on Tuesday evening as part of Black History month.

Service presented details of the upcoming 175th Monroe County Anniversary celebration.

White addressed the upcoming IACT meeting for city officials and hoped department heads would let attendees know of concerns and issues that our legislators would be addressing.

Kiesling said how helpful various faculty members at the university have been regarding our Enterprise Zone as it has started up as well as the Solid Waste District. Their assistance has been invaluable.

Hopkins said Dr. Janice Ewing O.D. and a group of interested citizens will be going to Polsetega again this year. Eyeglasses are urgently needed.

Mayor Allison supported Sherman's strong statement regarding faculty members and just how much they contribute to the university and community, the hours of not just teaching but research, graduate students, directing thesis activities and countless community donations of time and expertise. Almost every department of the city has benefited from faculty members who bring their classes as well as themselves to community projects.

MAYORAL MESSAGE

The mayor read a statement concerning hate crimes in our community. It is wrong and it is not acceptable. A community relations council has been formed to address these issues.

Hopkins asked councilmembers Swain, Miller, Cole and White to begin the new fire station for future development process and asked White to chair it.

COUNCIL COMMITTEES

A representative of Off Campus Students asked about the neighborhood parking review plan and when it would occur. A subcommittee has been meeting discussing additions and changes and the original plan will be again reviewed this spring. Hopefully recommendations will be discussed in April so that changes will take place before people leave for the summer.

PUBLIC INPUT

It was moved and seconded that Resolution 93-4 be introduced and read by title only. Clerk Williams read the resolution by title only.

It was moved and seconded that Resolution 93-4 be adopted. The synopsis and committee recommendation of 8-0-1 was given.

LEGISLATION FOR
SECOND READING/
VOTE
RES. 93-4

Jim Lang, Shelter Director, was available for questions and as always received praise and commendation from councilmembers for the superb job the entire staff does.

The resolution received a roll call vote of Ayes:7, Nays:0.

It was moved, seconded and approved by a roll call of Ayes:7, Nays:0 to

APP. ORD 93-1

postpone Appropriation Ordinance 93-1 until February 17, 1993.

It was announced that Ordinance 93-3 (Teblock) was withdrawn by the petitioner. No vote was required.

ORD. 93-3
(Withdrawn/petition)

It was moved and seconded that Resolution 93-5 be introduced and read by title only. Clerk Williams read the resolution by title.

RES. 94-5

It was moved and seconded that Resolution 93-5 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

It was moved and seconded that Resolution 93-5 be amended to reflect a 25 year life span for the Economic Development Plan for the area.

The amendment received a roll call vote of Ayes:7, Nays:0.

Chris Spiek said the revenue from the TIFF District will be used to improve the Tapp Rd area extending to Weimer Road.

Kiesling asked about Camp Wapahani and why it was included in the TIFF. Spiek said it was included so that improvements could be made with the TIFF revenues if it is included in the district. Spiek also said that TIFF revenues could be spent on a project if it served the district (that is not actually in the district, but served by the district).

The resolution, as amended, received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Resolution 93-6 be introduced and read by title only. Clerk Williams read the resolution by title only.

RES. 93-6

It was moved and seconded that Resolution 93-6 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

It was moved, seconded that Resolution 93-6 be amended to reflect a 25 year life span for the Economic Development Plan for the area.

The amendment received a roll call vote of Ayes:7, Nays:0.

Spiek said the proposed improvements include the Walnut/Country Club intersection, the corridor up to the railroad as well as improvements to the whole Tapp Rd corridor connecting the two TIFF districts.

Williams and Kiesling questioned the Walnut/Country Club intersection improvements as the responsibility of the developer. Spiek said that he wasn't sure, but the complex still was not completed and these improvements are west of the center.

Kiesling was concerned about the area next to the railroad, it is floodway and the developer has not kept it cleaned up (the area of the old creosote plant, that was part of a chemical cleanup). The RR is responsible for the crossing and it is one of the worse in the county. Hopkins expressed concern about the poor condition of the crossing and track.

The resolution, as amended, received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Resolution 93-7 be introduced and read by title only. Clerk Williams read the resolution by title.

RES. 93-7

It was moved and seconded that Resolution 93-7 be adopted. The synopsis and committee recommendation of 7-0-1.

It was moved, seconded that Resolution 93-7 be amended to reflect a 25 year life span for the Economic Development Plan area.

The amendment received a roll call vote of Ayes:7, Nays:0.

Spiek described the area commonly referred to as the Southwest Annexation area.

Kiesling asked about truck routes and Spiek said we are almost at the point of talking about right of way acquisition.

Hopkins asked about Enterprise Zone funds to help with the cost of the road and the mayor said there are no "hard figures" at this time.

The resolution, as amended, received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Ordinance 93-5 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORD. 93-5

It was moved and seconded that Ordinance 93-5 be adopted. The synopsis and committee recommendation of 7-0-2 was given.

Tim Mueller said our code, at this time, leaves us vulnerable to some rather rough MG uses. Various approaches have been considered and the Master Plan Citizens Advisory Committee suggested that we keep it a minimal change. So the ordinance resulted, using an existing statutory board as well as criteria that State Law delegates this to the Board of Zoning Appeals. This still allows us a great deal of discretion. We added Plan Commission review and comment as well as full notice to abutting property owners and public hearing, allowing everyone to become involved in the process if they want to.

The ordinance received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Ordinance 93-6 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORD. 93-6

It was moved and seconded that Ordinance 93-6 be adopted. The synopsis and committee recommendation of 8-0 was given.

Mueller said that this ordinance is a "rider" added by the Plan Commission to the previous ordinance because of a recent case that challenged a conditional use approval by the Plan Commission on the basis of Indiana law as delegated to the BZA. Our posture is that our code is valid, enacted on a previous statute. However this brought to our attention, the risk that petitioners and remonstrators take when there is a disparity between statute and local code. Corporation Counsel Runkle and Mueller determined that we needed to expand the consideration a little bit and bring the code into line with the statutes on this particular issue. The issue is, conditional use special exceptions and the like are delegated to the BZA. Currently our code delegates some of those to the Plan Commission (conditional uses) to special exceptions go to the BZA and now statute delegates both these decisions to the BZA. Board of Zoning Appeals is substituted in the ordinance/code whenever we deal with a conditional use issue.

The ordinance received a roll call vote of Ayes:7, Nays:0.

There was no legislation for first reading.

There were no petitions or communications from the public.

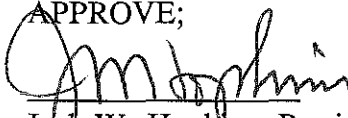
It was approved by a voice vote that the council not meet next week.

The meeting was adjourned at 8:40 P.M.

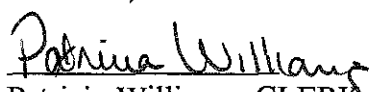
FIRST READING
PUBLIC INPUT

ADJOURNMENT

APPROVE;


Jack W. Hopkins, President
Bloomington Common Council

ATTEST;


Patricia Williams, CLERK
City of Bloomington