

In the Council Chambers of the Municipal Building held on Wednesday, November 18, 1992 at 7:00 p.m. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
NOVEMBER 18, 1992

Roll Call: Sherman, Swain, Miller, Fernandez, Service, Kiesling, Cole, HopkinsWhite.

ROLL CALL

Service gave the agenda summation.

AGENDA SUMMATION

The minutes for October 21 and November 1, 1992 were approved by a voice vote including corrections by Kiesling.

APPROVAL OF MINUTES

White announced that he will be serving as the Vice Chairman of the University and Community Caucus for IACT.

MESSAGES FROM
COUNCIL MEMBERS

Kiesling reminded everyone about recycling of phone books. She also requested summaries of the decisions the Plan Commission makes in planning meetings.

Sherman wished everyone a Happy Thanksgiving.

Service announced the cancellation of the council meeting which was scheduled the day before Thanksgiving.

Mayor Allison read a Proclamation for Sam Bell, the IU Track and Field Coach.

MAYORAL MESSAGE

Chief Steve Sharp received the AAA citation for Pedestrian Safety given for having no pedestrian fatalities.

Certificates for the work on the yearly Financial Report were presented to Chuck Ruckman and Jeff Underwood.

Ted Rhinehart, Director of Public Works, gave a update report of the Parking Permit Program. He stated that they had sole 648 parking permits and 353 visitor permits for a total of 1001 permits sold.

COMMITTEE REPORTS

Kiesling commented on concerns of people living near the Bryan Park parking lot.

Kiesling reported that the Monroe County Solid Waste Management Board is required to consider revisions for their Solid Waste Plan and there will be a public hearing concerning this at the Court House on January 11, 1993.

It was moved, seconded and approved by a voice vote that the following appointments be made, all filling unexpired terms:

APPOINTMENTS TO
BOARDS & COMMISSIONS

Arts Commission
Michael Conner
Rosemary Fraser

Housing Quality Appeals Board
Darrell Everett Marshall

It was moved and seconded that Resolution 92-23 be introduced and read by title only. Clerk Williams read the resolution.

LEGISLATION FOR
SECOND READING/
VOTE
RESOLUTION 92-23

It was moved and seconded that Resolution 92-23 be adopted. The synopsis was given.

Service explained the monies come from the vending machine in the city building and the money is forwarded to the Christmas Party fund.

The resolution received a roll call vote of 9-0.

It was moved and seconded that Ordinance 92-52 be introduced and read by title only. Clerk Williams read the resolution.

ORDINANCE 92-52

It was moved and seconded that Ordinance 92-52 be adopted. The synopsis was given and committee recommendation of 8-0 was given.

Tim Mueller, City Planner, summarized the ordinance. He explained that the

petitioner would be extending the development and this tract was not included in the original request. He noted that the Plan Commission required the petitioner to obtain approval of the present zoning from BA to RL. Jeff Fanyo, Representng the Petitioner, came before the Council on behalf of the petitioner.

The ordinance received a roll call vote of Ayes:9, Nays;0

It was moved and seconded that Ordinance 92-53 be introduced and read by title only. Clerk Williams read the ordinance. ORDINANCE 92-53

It was moved and seconded that Ordinance 92-53 be adopted. The synopsis was given and committee recommendation of 4-0-4 was given.

Tim Mueller explained both the present zoning and the requested change by the petitioner.

Jeff Fanyo, representing the petitioner, was available for questions.

Kiesling asked about an erosion control plan as well as the future of the intersection of Woodlawn and Hillside.

Cole expressed concern about the particular architectural style of the buildings.

Sherman commented that because of the high density of the project he would be unable to support the proposal.

Miller asked about the reaction of residents in the Miller Drive area.

Hopkins responded that there were only a few neighbors in attendance at the Plan Commission and that in the end they were in agreement with the final plan.

Fernandez asked if we had a any indication of the architecture and if it was similar to the Woodlands?

Mueller responded that the petitioner had provided pictures of the Woodlands complex.

The ordinance received a roll call vote of Ayes:7, Nays:2.(Kiesling, Sherman).

It was moved and seconded that Ordinance 92-48 be introduced and read by the Clerk by title only. Clerk Williams read the ordinance. ORDINANCE 92-48

It was moved and seconded that Ordinance 92-48 be adopted. The synopsis and committee recommendation of 2-0-4 was given.

Service began by giving a brief overview of the ordinance. She continued by reading the first proposed amendment.

She went on to explain the proposed amendments which were before the Council.

Fernandez commented that he felt this ordinance would be a case of the city attempting to micro-manage. He went on to explaining his reasoning on this belief.

Kiesling voiced concern regarding responsibility for injuries which occurred on sidewalks.

Dan Sherman, Council Attorney, commented that liability is generally on the property owner.

White commented on the issue of sidewalks. He questioned the parameters which would be placed on the Street Department with this ordinance.

Service responded that the first response to a damaged sidewalk should not be to immediately remove the tree but that problems could be avoided by adding the "future damage" clause to section 12.24.200.

Swain commented on the issue of micro management by a legislative body but he felt the amendments helped him to be able to support the ordinance.

Jim Capshew came before the Council and said that tree guards should be termed root deflectors.

It was moved and seconded that the following amendments be considered:

Amendment 1 Amend the Table of Sections by inserting 12.24.000 entitled "Purpose of the chapter" and altering the text in two other titles.

Amendment 1 received a roll call vote of Ayes:9, Nays:0

Amendment 2 Amend Amendment 1 in Section 12.24.160 to add the following sentence after the first sentence "overall the city shall plant at least twenty percent (20%) more trees than it removes in order to maintain a planting to removal ration of at least one point two (1.2) to one (1).

Service explained the reasons for Amendment 2.

Sherman explained that the ratio should state at least 1.2-1 to have any significant impact on the city as a whole.

Bruce Tone came before the Council to discuss the life of the tree which is being cut down in comparison to the age of the tree being planted in its place.

Fernandez commented that there should be ways of aggressively planting more trees than are actually required.

Service agreed with Fernandez and stated that new areas for trees to be planted should be explored.

Amendment 2 received a roll call vote of Ayes:8-0 (Cole was out of Council Chambers at the time of the vote).

Amendment 3 Amend Section 12, 12.24.040, Permits are not required for work done by any of the departments of the City, utilities, and their agents or contractors, "but before proceeding with such work, they shall come into agreement with the City Landscaper".

Lee Huss, City Landscaper, stated that he did not have any problems with the addition of this amendment to the ordinance.

White questioned the situation of the City Landscaper and vacation time.

Service responded that there is a mention of a designee.

Amendment 3 received a roll call vote of Ayes:9, Nays:0.

White enquired about the specific job description for City Landscaper.

Service responded that it was a mayoral appointment.

The ordinance, as amended, received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that the following ordinances be introduced and read by title only by the Clerk for first reading before the Bloomington Common Council. Clerk Williams read the legislation for first reading.

LEGISLATION FOR
FIRST READING

1. Ordinance 92-54 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Sherwood Oaks II, Meadowridge, Sherbrooke Place and Sherwood Estates Area)
2. Ordinance 92-55 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Kensington Subdivision)
3. Ordinance 92-56 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (2110 South High Street)

4. Ordinance 92-57 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (McQuick's and Midas Muffler Site)
5. Ordinance 92-58 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Southside Rent-all and Adjacent Lot)
6. Ordinance 92-59 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (All American Storage and Huntington Place Sites)
7. Ordinance 92-60 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Ryan's Family Steak House)
8. Ordinance 92-61 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (University Inn)
9. Ordinance 92-62 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Hampton Inn and the Northside 66 Service Station Site)

There were no petition or communications from the public.

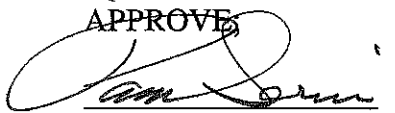
PETITIONS

The meeting adjourned at 9:40 p.m.

ADJOURNMENT

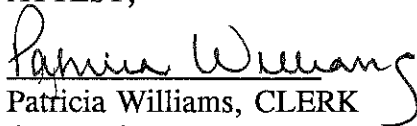
APPROVE

ATTEST;



Pam Service, President

Bloomington Common Council



Patricia Williams, CLERK

City of Bloomington