

In the Council Chambers of the Municipal Building held on Wednesday, March 6, 1991 at 7:30 P.M. with Council President Fernandez presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MARCH 6, 1991

Roll Call: House, Foley, Kiesling, Fernandez, White, Service, Regester, Absent: Olcott, Hogan.

ROLL CALL

Fernandez gave the agenda summation.

AGENDA SUMMATION

There were no minutes for approval.

APPROVAL OF
MINUTES
MESSAGES FROM
COUNCILMEMBERS

House attended the Convention Center Open House as well as a rally in support of our troops on the Courthouse Square on Saturday. Happily the event turned out to be a Victory celebration for the cease fire.

Foley associated himself with House's comments and thanked Lee Hamilton for his letter of support for the West Side Community Center grant.

Kiesling congratulated everyone who was honored at the Women's History Luncheon and thanked the H-T for facilitating meetings with the South Walnut businesses affected by the road construction in their area. She also announced that she would be attending the National League of Cities with Kirk White. And, she congratulated Frank Ragan for the grant he just received for the West Side Center.

Regester submitted a Conflict of Interest statement regarding Ordinance 91-5. It was moved, seconded and approved by a voice vote.

White asked councilmembers to list the neighborhood associations their districts. He also expressed pleasure that the war ended as quickly as it did and hoped that we as a city will recognize the efforts of everyone from our community.

Service thanked everyone who went off to Washington on the recent PCB oriented mission. She reminded everyone that this is Support Public Radio/TV time.

Fernandez also submitted a Conflict of Interest statement regarding Ordinance 91-5. It was seconded and approved by a voice vote.

A local delegation will go to Nicaragua next week and he thanked everyone for donations of medicine from Eli Lily and from the Public Health Nursing group. Dr. Pizzo, Jack Hopkins, and Warren Henegar are taking the materials to our sister city.

House congratulated Glenda Morrison on her recent appointment as Executive Director of the Chamber of Commerce.

Mayor Allison praised Glenda Morrison's accomplishments while our Redevelopment Director and noted that she will be missed. She announced the acquisition of the \$250,000 federal grant for the West Side Center as well as the continuation of the P.L.A.Y grant. She presented an encomium for Kelly Services and thanked them for their contribution to the community. She then read a statement regarding the trip to Washington. The statement is attached to the original minutes of this meeting.

MESSAGES FROM
THE MAYOR

It was moved and seconded that Ordinance 91-13 be introduced and read by title only. Clerk Williams read the ordinance by title.

LEGISLATION FOR
SECOND READING
ORD. 91-13

It was moved and seconded that Ordinance 91-13 be adopted. The synopsis and committee report of 8-0 was given.

Tim Mueller described the tract as outlined in the ordinance. The only concern about the rezoning request was that the tract of land Thompson purchased includes 80 acres which is not part of the rezoning and is in an

area that is slated for residential consideration under our upcoming Master Plan.

The petitioner was available for questions.

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

It was moved and seconded that Resolution 91-9 be introduced and read by title only. Clerk Williams read the resolution by title.

RES. 91-9

It was moved and seconded that Resolution 91-9 be adopted. The synopsis was given. This resolution to confirm Resolution 91-8 is required by Indiana Code.

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

It was moved and seconded that Resolution 91-10 be introduced and read by title only. Clerk Williams read the resolution by title.

RES. 91-10

It was moved and seconded that Resolution 91-10 be adopted. The synopsis and committee recommendation of 6-0-2 was given.

Glenda Morrison reviewed the procedures regarding the CDBG program and thanked everyone who participated in the process and recognized Bruce Houghtelin for his years of serving on the committee.

Mike Davis discussed Amethyst House. The building was appraised for \$80,000 and the city talked about selling the building for \$60,000 with no interest for 12 1/2 years. The \$25,000 from CDBG would be the down payment for them to purchase the house from the City of Bloomington. The payments would be \$235/mo for 12 1/2 years. This would all be with the approval of the Board of Public Works. This arrangement is similar to the Arts Center arrangement. The proceeds from this arrangement will be used as matching grant monies for federal, state or foundation housing programs targeted for low income housing projects, and/or for purchase of property for low income housing by not-for-profit housing organizations.

Kiesling asked how the funds received from Amethyst House can be dedicated for this purpose and not be channeled into the general fund.

Morrison said it would be a separate line item account.

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

Council President Fernandez vacated the chair at this time.

ORD. 91-5

It was moved and seconded that Ordinance 91-5 be introduced and read by title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Ordinance 91-5 be adopted. The synopsis and committee report of 0-5-2 was given.

Dan Sherman, Council Attorney, advised the council that this Ordinance be denied at this time. There were defects in legal description and legal notices to adjacent property owners at the time of the Plan Commission hearing. Since litigation on this ordinance was probable, these defects would cause difficulties. The best course would be to start again and do it right.

Service said that this is purely a legal protection and

does not in any way affect the substance.

The ordinance was denied by a roll call vote of
Ayes:0, Nays:5, Abstain:2.
(Regester, Fernandez).

Council President Fernandez returned to the chair.

It was moved and seconded that Ordinance 91-11 be introduced and read by title only. Clerk Williams read the ordinance by title.

ORD. 91-11

It was moved and seconded that Ordinance 91-11 be adopted. The synopsis and committee recommendation of 7-0 was given and the ordinance was removed from the table.

Tim Mueller described the tract. Mr. Henke wishes to build two SF homes on the four lots. Neighbors have expressed concern about the loss of green space and the two groups have met and worked out a solution.

Tim Henke was available for questions and Foley read the letter from Henke saying that he would record a restricted covenant which would put a limit of two SF homes on these lots and also to convey Lot 70 and the adjacent vacated portion of W.9th St to Sycamore Land Trust after the vacation procedure is completed. Foley said the neighborhood association approved the covenant by a vote of 20-1 and he praised Henke for his willingness to do this.

Dawn Hewitt thanked the council and Henke for his generosity and cooperation. She said the neighbors were uncomfortable that none of this is in writing. Bill Baus repeated the text of Foley statement: also attaching a covenant that would run with the land enforceable by the neighbors on the 3 remaining lots restricting to two SF houses with 1400 sq. ft. each. Foley said that Paul Swain was handling the legal details of the covenant and Henke's attorney was still reviewing it. (A copy of Mr. Baus's statement is attached to the ordinance)

Pat Cole spoke in support of the neighborhood request. Jim Fielder said everything was agreed upon at the association meeting between the parties. Service reminded everyone that the only thing we were voting on was the right-of-way vacation request and it seems that an acceptable agreement has been worked out.

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

It was moved and seconded that Ordinance 91-12 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 91-12

It was moved and seconded that Ordinance 91-12 be adopted. The synopsis and committee recommendation of 8-0 with amendments was given.

It was moved that Section V be deleted, that "Hillsdale" be corrected to "Hillside" and that corrections be made in Section XI (amendment proposed by Kiesling).

Regester asked that #3 of the amendment be available for discussion and there are people here this evening to talk about this. The "No Parking" on Dodds west of Rogers is the problem.

Bill Riggert said Dodds is very narrow and it was best to eliminate parking on the south side of Dodds east of Rogers. On the west side, Dodds is approximately 30 ft wide and is really only wide enough to accommodate one side for parking. Every house has a driveway or

alley for access and parking for residents along Dodds.

An extensive discussion took place regarding the length of yellow curb on both the north and south sides of Dodds west of Rogers. Riggert really preferred no parking on the south side at all. Register attempted to clarify Riggert's remarks dealing with outgoing lanes requiring a longer no parking zone.

Jeff Ellington who lives on the SW corner of Dodds and Rogers and objected to the change on the west side of Dodds. He would only be left with one parking space in front of his house. He recently added a small deck to his house and in order to accommodate his needs, he would have to remove the deck. He said the problem all came up when the stop sign was removed at the intersection of Rogers and Dodds.

Steve Cottingham, the NW corner resident measured all the streets from 11th St to Allen and the 30 ft setback seems to be the norm on the west side of town. He spoke in support of increasing the safety of the intersection, but suggested that we don't overdo it.

The amendment as originally presented (Amendment #1) received a roll call vote of Ayes:7, Nays:0

It was moved and seconded that we delete the reference to Dodds St from 80 west of Rogers on the north side and revert to the existing standard distance for yellow curbs (Amendment #2).

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

Another extensive discussion continued regarding the south side of the street and it was suggested that perhaps this was not the council's finest hour of deliberation and that this go back to the Traffic Commission.

It was moved and seconded that Amendment #3 deleting the first Dodds entry dealing with the south side be deleted at this time and that this section of Dodds St. come back as soon as possible.

Amendment #3, deleting the south side of Dodds St. (1st entry on the ordinance) received a roll call vote of Ayes:7, Nays:0.

Clarification: Both Dodds St. entries on the west side of Rogers in this ordinance have been eliminated and the street returns to its pristine parking for at least the time being.

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

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

Ordinance 91-14 An Ordinance to Amend Title 14 of the BMC Entitled "Peace and Safety".

Ordinance 91-15 To Amend the Zoning Maps to Designate PUD and to Grant Outline Plan Approval re: Property Located in the 3300 block of Leonard Springs Rd (Midwest Development Corp., Petitioner).

Ordinance 91-16 To Amend the Zoning Maps from BA to RL and to Grant Outline Plan Approval and Designate PUD and PCD, re: Property located in the 1600 block of W. 3rd St. (Westplex Park, Inc., Robert Shaw, Petitioner).

Ordinance 91-17 To Amend the Text of Title 20 of the BMC Regulating Signs.

LEGISLATION
FOR FIRST
READING

ORD. 91-14

ORD. 91-15

ORD. 91-16

ORD. 91-17

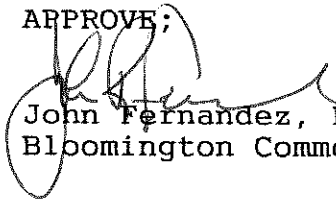
There were no petitions or communications from the public.

PETITIONS

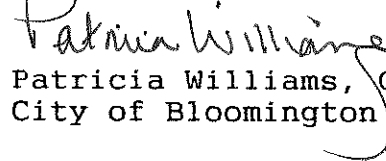
The meeting was adjourned at 9:50 P.M.

ADJOURNMENT

APPROVE;


John Fernandez, President
Bloomington Common Council

ATTEST;


Patricia Williams, CLERK
City of Bloomington