

In the Council Chambers of the Municipal Building held COMMON COUNCIL on Wednesday, September 19, 1990 at 7:40 P.M. with REGULAR SESSION Council President Kiesling presiding over a Regular SEPTEMBER 19, 1990 Session of the Common Council.

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

Kiesling gave the agenda summation. AGENDA SUMMATION

The minutes of September 5, 1990 were approved by a voice vote. APPROVAL OF MINUTES

Kiesling announced that Mayor Allison was in South Bend receiving the prestigious Russell Lloyd IACT award. This is an award the organization gives annually to an outstanding Mayor. Kiesling read the release to the applause of the Council Chamber. Congratulations, Tomi. MESSAGES FROM COUNCILMEMBERS

Hogan welcomed newly elected Councilmember Howard House to the Council. Howard was elected by a Republican caucus to replace Nancy Young Hitchcox who resigned on August 31, 1990. Young recently remarried and moved from her Council district. Hogan thanked Hitchcox for her years of service to the community. He also reminded people that there are only a few days left for field registration for the November 6 election. Service reminded everyone about the upcoming Master Plan Community Congress.

White said that the football season begins officially this Friday evening with a pep rally at Dunn Meadow for the sports season as well as the United Way kick-off. White also welcomed Kurt McCullough, IUSA Director of Student-City relations. He also noted that Mike Brooks Chamber of Commerce Director will be leaving Bloomington.

White discussed the ambulance service question and asked that Mike Davis bring the Council up to date on this subject.

Fernandez said that the I.U. administration is asking for input regarding the large, lighted sign at 10th and the By-Pass and the problems inherent with such a sign. The Plan Commission is considering a new zoning classification which is an RE/PUD enabling 2.5 units/acre in an RE zone.

Olcott thanked Hitchcox for her years of service on the Council and welcomed Marilyn House to the Council meeting.

He said he met with the I.U. officials regarding the future purchase of the aerial ladder. He thanked Kathy Saunders for her detailed memo and said that, "it got to a very high official at Indiana University."

Foley also welcomed Howard House and thanked Nancy for her service. He also thanked Mark Kruzan for his help on the west 3rd, 2nd street and the By-Pass and the very difficult transitional condition of the entire area.

Howard House thanked everyone for their assistance in making him feel welcome and he also thanked Nancy Young for her support.

Regester also welcomed Howard to the Council.

Kiesling urged everyone to attend the community congresses regarding the Master Plan.

Service reported that the Dog Park Committee met and they are still looking for a site for a "dog park" as well as determining how far people would be willing to travel for an off the leash dog park.

It was moved and seconded that Resolution 90-26 be introduced and read by title only. Clerk Williams read the resolution by title.

It was moved and seconded that Resolution 90-26 be adopted. There was no committee report. The resolution was read in its entirety. RESOLUTION 90-26

Veda Stansfield introduced coordinators of the upcoming vigil and they came forward. Jill Sater, Susan Theisen, Angie Cohen, Emily Wade and Fran Fedderson were present and introduced. Veda said that the vigil would take place on September 23, 1990 from 6-8 P.M. on the Courthouse square.

The resolution received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Ordinance 90-41 be introduced and read by title only. Clerk Williams read the ordinance by title. ORDINANCE 90-41
It was moved and seconded that Ordinance 90-41 be adopted.
There was no committee report. The synopsis was given.

Tim Mueller said that the need for this particular ordinance became apparent last year when the Plan Commission and the Council discussed the whole issue of the Devonshire development and the ensuing question of pasturage or space of livestock within the zoning jurisdiction. Our code left a lot to be desired in the way we handled livestock or agricultural business. We are an urbanizing jurisdiction, not a rural or county area.

We currently have a land use table in our municipal code and under the agricultural heading we permit crops and livestock. There is no definition in the code what constitutes livestock or agriculture. In the RE zone it does state that livestock may be kept on lots of 5 acres or larger, but does not address what kind or how many. In the MQ zone livestock may be kept without limitation and that is all the code says. Under the present code, businesses which involve the commerce of animals are not permitted because they are not agriculture. But this is confusing, and to the casual reader of the code this is not apparent. We also needed to address the concentration of animals, just how many per acre. That surfaced when Devonshire was discussed and the whole question of run-off into Griffy Lake came to light. We were somewhat at risk with some of our neighborhood development proposals. Mueller said that to the best of his knowledge the only activity taking place within the city jurisdiction is pasturage and animals on that pasture land. Other cities have developed policies dealing with the whole urban/rural jurisdictions using, essentially, animal density as the basis for a formula for a per acre allowance as well as size of animal on the acreage. Our ordinance takes that general concept and simplifies it. First, the title "livestock" in our land use table was changed to "pasturage" so that when we talk about livestock in a zone we are talking about pasturage not concentrations of livestock in feedlots or the like. Second, the code has been expanded to require a minimum of 5 acres in the MQ zone also, making it subject to the restraints. The footnote were modified to state that livestock would only be permitted in the pasturage context subject to the following: 1) pasturage use would be limited to one animal unit per acre of land actually used as pasturage, 2) land with slopes in excess of 15% would not be considered in establishing livestock densities (this does not mean that animals could not be pastured on the slope, it just means the land can't be included in the acreage), 3) four gradations were set up: larger animals one (1) animal per acre, mid-sized

animals .5 animal units per acre, small animals .2 animal units per acre, young animals will be counted as half the unit value of their adult counterparts. There has been some discussion about rabbits. The objective is to not allow what might be offensive, large scale animal operations next to residential developments. Rabbits do not fit into this category and it was suggested that rabbits be deleted and just fowl retained in the ordinance. Agricultural businesses involving livestock are prohibited and the ordinance includes those prohibitions. Mueller continued discussing other sections of the ordinance. He said we are attempting to say that we want farms and animals but we do not want businesses. He emphasized that this will not involve a regulatory system; we are not planning to go out and count animals or issue permits. Basically these are standards that are set which will be utilized in case of a potential problem.

Service asked about miniature pigs. Mueller said these are primarily household pets and the ordinance is clearly intended to deal with the concentration of livestock rather than household pets however they might be defined.

Hogan asked why we are so concerned when there isn't a problem, and if we are annexing areas such as Hyde Park that are adjacent to farm land, does this apply when we extend the 2 mile fringe. Mueller said that we are aware of the potential problem and it just makes sense to address the problem and eliminate any questions before they arise. Mueller also said that the 2 mile fringe is a fixed boundary and it does not change when we annex land areas. And the activities around Hyde Park are thoroughly consistent with what we are trying to do with this ordinance. There are a lot of things on the books that we respond to rather than an army of people checking up on these things and that is basically the nature of our regulatory structure. Hogan asked about the basis for animal numbers. Mueller said it was based on other ordinances in other communities, the Environmental Commission reviewed it and contacted other animal groups to verify the numbers.

In response to Fernandez' question, Mueller said he had no problem with reducing the size of parcel for things like fowl if someone wanted to keep a few chickens. It's hard to build in enough leniency without getting too refined.

It was moved that the words, "except that chickens and ducks may kept within the density limits on parcels of two acres or more" be added to the end of 1(c) of the ordinance. The amendment was seconded.

The amendment received a roll call vote of Ayes:9, Nays:0.

Service moved that 1(a) of the ordinance be amended to read, "Livestock shall be permitted only in a pasturage context subject to the following: (a) ...All smaller animals including fowl, .2 animal units." (This amendment deleted rabbits).

Hogan said that he has a real problem trying to define just what the problem is because we are not addressing a specific problem. He also asked if Monroe County limited agricultural business and Mueller said yes. Mueller said we are talking about the City of Bloomington, and its planning jurisdiction. We are an urbanizing area and a small proportion of the total county which is destined to become urban over a

relatively short time frame, so there is a distinct difference there. We are not trying to say to Monroe County that there won't be agri business in Monroe County.

With respect to the Ryan business, that use has already been prohibited; that use is business, not agriculture, and that has been determined in the courts as well. Hogan still argued, saying that he thought it would be simpler to say that any change in an RE zone would take Plan Commission approval and not do all this. Mueller said we still have to define what is permitted and what is not permitted. It could work if every request went before the Plan Commission and was individually determined. What is much simpler is if a petitioner knows what the process is when he comes in with his original request, question or petition.

Service said that rabbits are somewhat different. Rabbits are not raised in pastures, but rather are kept in hutches and are often a 4H project for children.

The amendment received a roll call vote of Ayes:9, Nays:0.

Wesley Baxter asked if dogs were addressed and horses are considered pets and what about run-off with a 15% grade. Why would people worry about run-off. Also what about the farmer who has been there for years and a development moves in next door. Mueller said that horses are included in this ordinance and they can be pastured in accordance. Indiana has a right to farm law and a farm that is there first has some statutory protection if development occurs around it. This ordinance is just for new uses, not farms that are currently in existence. Run-off has do to with protecting our water supply and adjacent property.

The ordinance, as amended, received a roll call vote of Ayes:7, Nays:2 (Hogan, Foley).

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

Ordinance 90-45 To Transfer Appropriations Within the General Fund.

Ordinance 90-42 "An Ordinance Prohibiting the Use of Skateboards in the Downtown Area.

Ordinance 90-43 A Safety Ordinance Prohibiting Recreational and other Non-Parking Related Activities in the Municipal Parking Garages and Lots. This ordinance was not introduced for first reading this evening. It was determined that it would be discussed by committee next week.

LEGISLATION
FOR FIRST
READING
ORD.90-45
ORD. 90-42

There were no petitions or communications from the public.

PETITIONS

The meeting was adjourned at 8:45 P.M.

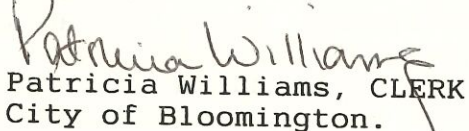
ADJOURNMENT

APPROVE:



Iris Kiesling, PRESIDENT
Bloomington Common Council

ATTEST:


Patricia Williams, CLERK
City of Bloomington.