

AGENDA

COMMON COUNCIL REGULAR SESSION

7:30 PM, WEDNESDAY, FEBRUARY 17, 1988

COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES FOR FEBRUARY 3, 1988
- IV. REPORTS FROM:
 1. Councilmembers
 2. The Mayor and City Offices
 3. Council Committees
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS
 1. Ordinance 88-1 To Vacate a Public Parcel re: an East/West Alley running from Lincoln Street West for 132 feet between Sixth and Seventh Street (First Presbyterian Church, Petitioner).

Do Pass: 7-0-1 (1/13/88)
 2. Ordinance 88-5 An Ordinance Concerning the Expansion and Improvement of the Park and Recreation Facilities by the Bloomington Board of Park Commissioners through the Issuance and Sale of Bonds.

Do Pass: 7-0-1
 3. Ordinance 88-3 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic."

Do Pass: 8-0
 4. Resolution 88-4 To commend Bloomington's Congressional Representatives for Requesting and Facilitating the Investigation of the Environmental Protection Agency

Do Pass: 8-0
 5. Ordinance 88-2 To amend the Zoning Maps from RS to BA/PCD and Grant Outline Plan Approval re: Southwest Corner of S.R. 45 and 37 (Bill Brown, Petitioner).

Do Pass: 8-0
- VII. FIRST READINGS
 1. Ordinance 88-6 To Amend the zoning Maps from RE to RS and Grant Outline Plan approval re: Moores Pike (Howard Young, Hyde Park, Petitioner).
- VIII. PRIVILEGE OF THE FLOOR (This section of the Agenda will be limited to 45 minutes maximum, with each speaker limited to five minutes.)
- IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, February 17, 1988 at 7:30 P.M. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
FEBRUARY 17, 1988

Roll Call: Kiesling, Hogan, Gardner, Olcott, Service, Young, Register, White, Fernandez.

ROLL CALL

Service gave the Agenda Summation.

AGENDA SUMMATION

The minutes of February 3, 1988 were approved by a voice vote with two corrections in the Councilmembers remarks.

APPROVAL OF MINUTES

Kiesling reported on recent Plan Commission decisions regarding the mandating of street lighting and investigating the possibilities of incentives to sanitary sewers. Olcott congratulated Jill Watson for her Olympic Bronze medal in the 1988 Winter Olympics. It was the United States first medal.

MESSAGES FROM
COUNCILMEMBERS

White noted the passing of Maj. Gen. Joe Butcher who died this week and thanked him for his many contributions to the community and to the nation. He also noted the recent toll the weather has taken on local streets and reminded the viewing public to call the street department to "report -a-pothole". He commended the street department and Rick Coppock for their excellent street service and repair program. Service echoed the comments about Jill Watson and Major General Butcher. " He will be missed", she said.

There was no Mayoral message.

MESSAGES FROM MAYOR

The following appointments and reappointments to Boards and Commissions were made:

APPOINTMENTS TO
BOARDS AND COMM.

Womens Commission	Lucinda Peach	2yr.
Environmental	George Heise	2yr.
	Kevin Komisarik	2yr.
	Laura Trout	2yr.
	John Foster	1yr.
	Chris Maron	2yr.
Redevelopment	Nelda Anderson	1yr.
	David Walters	1yr.
Telecommunications	Keith Klein	2yr.
	Susan Eastman	2yr.
	Terri Simanton	2yr.
Human Rights	Mary Ellis	2yr.
	George Foster	2yr.
Traffic Commission	Kevin Brennan	2yr.

Service thanked everyone who applied for a board or commission and reminded them that applications would remain on file and that vacancies frequently occur.

It was moved and seconded that Ordinance 88-1 be introduced and read by title only. Clerk Williams read the ordinance.

LEGISLATION FOR
SECOND READING
ORDINANCE 88-1

It was moved and seconded that Ordinance 88-1 be adopted.

This ordinance has been continued from February 3 and according to Tim Mueller the following discussion and agreements have been reached: That the turning radii, as requested by Dean Behnke, along the n-s alley be enacted, that the church agree to a 3' easement around the perimeter of the church property, and that an underground easement in parts of the e-w alley be available for electric and telephone utilities. These requests have yet to be executed and it has been agreed to by all the parties that if the Council passes the ordinance this evening, approval by the Mayor is contingent upon all these conditions being met. The Mayor has 10 days to sign this document and the parties involved have 10 days to reach an agreement on the requests.

Lynn Coyne, representing the petitioner, said that they agreed to provide assurances to the easements being approved by the church board and before the Mayor would sign the ordinance.

Gardner asked if there was any decision regarding the house.

Reverend Bangert said that no decision has been reached regarding the house, the house is related to long range plans and at the present time there are only schematic plans for the church addition. Register asked who the leasing agent for the property was and Bangert replied that it was Ming Enterprises. Register asked for sufficient lead time for tenants to relocate and Bangert replied that they would not take any actions to remove the house until 8/89. John Aiken, speaking on behalf of BRI said that it was not in the communities best interest to destroy this Queen Anne house that is on the contributing designation list. He said he certainly hoped that a parking lot would not be a determining factor. A number of people who now live in the house urged the council to protect the structure. Jeff Dean presented a petition to the church board with 200 signatures in support of the house remaining where it is.

Garnder asked for assurances from the church that the house would not be torn down. Coyne said that the church cannot give that assurance, but that the church is sensitive to the concerns of people who want the house to remain. They will keep the building for as long as they can and if it is necessary to remove the house, it will be sometime in the far future. Consideration has been given to use as a play area and/or certain portions of the structure could be incorporated into the new plans. Rebecca Rast spoke in favor of the building remaining. Fernandez said he hoped this could be resolved satisfactorily and that this is a tricky positions for us to put the church officers in.

Hogan suggested that because of all the publicity maybe someone would be willing to move the structure. Service said she has heard from a number of constituents and there is a lot of support to preserve the house, it is a local landmark, that the exterior, except the annexes is in very good condition and that we have a responsibility to the community to protect these types of buildings. She said she would vote NO to express the concerns voiced by constituents.

Judy Schroder, a church board member, said she appreciated the concern for the house, but it is a side issue. No one can guarantee that if the alley were not to be vacated that the house would remain. Service noted that long range plans did bring this issue to the forefront and the reasons so much time has been spent on the question that this is an advertised public hearing.

The ordinance received a roll call vote of
Ayes:8, Nays:1 (Service)

It was moved and seconded that Ordinance 88-5 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 88-5

It was moved and seconded that Ordinance 88-5 be adopted.

Frank Ragan said that the funds from this bond issue are long overdue and have far reaching improvements for the plans that began in 1986.

White asked about the skating rink and Ragan said that this ordinance will set in motion the engineering phase of that improvement.

Gardner raised the condemnation issue possibility and that this is one thing that has been obscured.

Ragan said that one piece of land that is of question is the radiator shop in Cascades Park, it is a very unsightly business and the city would like to acquire it and is willing to pay a fair honest price for it. The condemnation language is in the resolution but

we always hope we will never have to use it. Olcott said that the bond issue is the only way we can do things, but he too did not want to see imminent domain used outside the city limits. He said he told the Daniels that he would help them and that he supported Frank 99% of the time, but not with the condemnation process.

Les Coyne, a Park Board member, said that it has been trying and difficult to get to this point but it will all be worthwhile..

Fernandez said that while campaigning there was overwhelming support for the neighborhood parks and that he would vote YES on the ordinance.

Gardner still expressed reservations about the condemnation part of the proposal.

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

It was moved and seconded that Ordinance 88-3 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 88-3

It was moved and seconded that Ordinance 88-3 be adopted.

Rick Coppock discussed the various changes, there was no substantive discussion, but Coppock did suggest that people report or bring in their favorite pot hole and we would take care of it.

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

It was moved and seconded that Resolution 88-4 be introduced and read by title only. Clerk Williams read the resolution.

RESOLUTION 88-4

It was moved and seconded that Resolution 88-4 be adopted.

Gardner, one of the sponsors of the resolution, said that this bi-partisan resolution was to commend two fine politicians from Indiana for the response to constituent concern. "We need to keep on asking", she said, " for the consent decree has ignored many sites, it promotes an unsafe and unproven technology."

Fernandez said that he would support the resolution with reluctance even tho it sounds partisan and it isn't. He said that he has personally written to the two gentlemen and thanked them for their interest and concern. However, he did express reluctance in commending Senator Lugar in an election year. "This senator has been one of the top three rubberstamps for the Reagan administration and is hardly a friend to the environment."

Hogan said he was also reluctant to support this resolution. "the Council is not a forum to applaud people for doing their job. To take this resolution at face value is okay, to take a partisan position is absurd".

Gardner argued that this resolution goes beyond partisan politics and has to do with what is happening in our community and supports these two strong men's efforts.

Olcott took exception to the partisan remarks.

Service said that these two people do represent us and that as constituents we are grateful to them for their interest and concern.

Mick Harrison said the initial request was made to Lee Hamilton and then Sentaor Lugar was asked to arrange a meeting. The main question is what this EPA investigation can do to help us with our problem.

The resolution received a roll call vote of
Ayes: 6, Nays: 3 (Hogan, Olcott, Young)

It was moved and seconded that Ordinance 88-2 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 88-2

It was moved and seconded that Ordinance 88-2 be adopted.

Tim Mueller described the seventeen acres south of the original parcel approved last year. One important consideration is that the petitioner will deed a 150' buffer area to each adjacent property owner so that adequate separation can be established and maintained. The neighbors in the area are not opposed to the proposal. The state's proposed change will create turn lanes and improvements for the entire area. Steve Smith, representing the petitioner was available for questions. Olcott asked what kind of time frame we were operating with and how many acres were left in Park 37. Smith said that numerous discussions have taken place with the state and no definite time was stated. About 30 acres are left in the park and almost all of the industrial acreage is gone.

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

It was moved and seconded that the following ordinance be introduced and read by title only for first reading by the Clerk. Clerk Williams read the ordinance.

LEGISLATION FOR
FIRST READING.

Ordinance 88-6 To amend the Zoning Maps from RE to RS and Grant Outline Plan Approval re: Moores Pike (Howard Young, Hyde Park Petitioner)

There were no petitions or communications from the public.

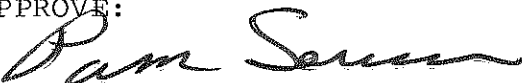
PETITIONS AND
COMMUNICATIONS

It was announced that there would be no meeting next week and that for the month of March the meetings would be as follows: no meeting on March 16 (Spring break) and meet for a council meeting on March 23 and a committee meeting on the 30th.

The meeting was adjourned at 9:00 P.M.

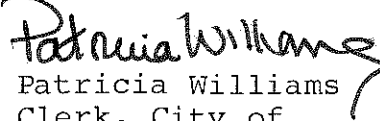
ADJOURNMENT

APPROVE:



Pam Service, President
Bloomington Common Council

ATTEST:



Patricia Williams
Clerk, City of
Bloomington