

AGENDA
COMMON COUNCIL REGULAR SESSION
7:30 PM, WEDNESDAY, MARCH 23, 1988
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES FOR MARCH 2, 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. Resolution 88-7 To Authorize Use of the Special Non-Reverting Improvement Fund.

Do Pass: 8-1
 2. Ordinance 88-7 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" to Specifically Allow for Towing of Vehicles in Lot 5 on Market Days.

Do Pass: 9-0
 3. Ordinance 88-10 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic".

Do Pass: 9-0
 4. Ordinance 88-8 To Amend the Zoning Ordinance and Grant Outline Plan Approval, Re: 3950 N. Kinser Pike (Wayne Johnson, Petitioner).

Do Pass: 8-1
 5. Ordinance 88-9 To Amend the Comprehensive Plan as it Relates to Land Use in the Area Bounded by North Dunn Street and Old Highway 37 on the West; the City Planning Jurisdiction on the East and North; and Griffy Lake on the South (Griffy Lake Neighborhood).

Do Pass: 0-9
 6. Resolution 88-6 A Resolution Requesting the Plan Commission to Begin the Repeal Process regarding the MP Zone.

Do Pass: 0-9
 7. Resolution 88-8 An Encomium for George Heise
- VII. LEGISLATION FOR FIRST READING
 1. Ordinance 88-11 To Amend Chapter 15.32.120 of the Bloomington Municipal Code To Delete the Designation of an Official Vehicle Zone in Schedule R and Substitute Another
 2. Ordinance 88-12 To Amend Title 17 of the Bloomington Municipal Code Entitled "Construction Regulations"
- 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, March 23, 1988, at 7:30 P.M. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MARCH 23, 1988

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

ROLL CALL

Service gave the agenda summation.

AGENDA SUMMATION

The minutes of March 2, 1988 were approved with a correction to Gardner's remarks about a forum on March 9 at BHS South. Correction noted and made.

APPROVAL OF MINUTES

Register reminded the public about Tox-A-Way Day to be held on April 30.

MESSAGES FROM
COUNCILMEMBERS

White reported on the trip he and Iris Kiesling took to Champaign-Urbana to review their joint transit operation that included the campus and the City. While there Kiesling also received information about their recycling program.

Fernandez noted the UNICEF concert next Wednesday evening sponsored by the entire Bloomington community and the Harvey Phillips Foundation. Numerous local music groups are participating.

Service thanked Kiesling and White for taking time to travel to Illinois and provide us with information on their particular programs. She called attention to the art hanging in the Council Chambers done by members of the Older American Center. She addressed the issue of the library and proposed plans to build a new structure in the 3rd St. Park. She strongly reminded people that this is still in the planning stage and urged public input. She stressed that no formal plans have been adopted.

The Mayor addressed the Council and gave the State of the City address. (Address attached to the original minutes).

MESSAGES FROM MAYOR

Julie Koegel gave an update on Tox-A-Way day noting that posters, brochures and information is out and about the town and that the I.U. Credit Union has agreed to insert the brochure in their next billing statement. Four bids were received by the Public Works dept. and recommendations will be made on March 29.

REPORTS FROM
BOARDS AND
COMMISSIONS

It was moved and seconded that Resolution 88-7 be introduced and read by title only. Clerk Williams read the resolution.

LEGISLATION FOR
SECOND READING
RESOLUTION 88-7

It was moved and seconded that Resolution 88-7 be adopted.

Tim Ellis, president of the Bloomington Economic Development Corp, praised the resolution as a way to make the improvements at the Kennedy Farm as a possible development site. He thanked the EDC for their part in bringing several interested corporations to Bloomington. "By loosening up these funds, it will get us on a fast track in securing these interested business possibilities."

Olcott concured, noting the critical time factor in having everything fall into place at the right time.

The resolution received a roll call vote of Ayes: 8, Nays:0.

It was moved and seconded that Ordinance 88-7 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 88-7

It was moved and seconded that Ordinance 88-7 be adopted.

The ordinance was amended to clarify the point that this park/tow provision was in effect for only as long as the Farmers Market was held in the 6th and Lincoln lot.

The amendment received a roll call vote of Ayes:8, Nays:0 and the ordinance, as amended received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 88-10 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 88-10

It was moved and seconded that Ordinance 88-10 be adopted.

An amendment was proposed to clarify code entries and not create any substantive changes. The amendment received a roll call vote of Ayes:8, Nays:0

The ordinance, as amended, received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 88-8 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 88-8

It was moved and seconded that Ordinance 88-8 be adopted.

Tim Mueller, said that the tentative plan calls for 100 condo units on the 26 acre tract. Whether or not the development actually results in condos versus single family dwellings will determine if the streets are private or dedicated. If the development is primarily SF then it is more likely that the streets would be dedicated, built to city specifications and maintained and serviced by the City. This is only a conditional request of approval and the rest of the details will be handled at the development stage.

Gardner asked if police department input had been sought regarding accident counts, traffic, etc. She said that people along Kinser Pike expressed concern about adding any more traffic to the area. According to the BPD there were 28 accidents along that route in 1987 and the idea of adding 100 more units on 26 acres will just be too much stress on an already overdeveloped area for the type of road situation.

White said the north Dunn area is a similar problem. Because the City has not been able to build streets we should not penalize developers who want to develop. "We need to make plan for the infrastructure and then keep it up", he said.

REgester asked about sidewalks and Mueller said there would be, along the site frontage. Fernandez asked how green space would be developed if it would be reviewed by the Plan Commission and urged that there be a proper playground facility.

Steve Heise asked if Kinser Pike went to Highway 37 and if there was any kind of long term plan for the entire area. Mueller said that there is a capital plan for road improvements and despite the pressing need Kinser Pike is not on the list at the present time.

Wayne Johnson, the petitioner, said that most of the accidents are those going through the golf course fence or spin outs at the sharp right angle turn and not the fault of a heavy traffic flow. Fernandez asked about annexation possibilities and if so then the streets would have to be up to city standards. Service also expressed concern about the traffic problems.

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

It was moved and seconded that Ordinance 88-9 be introduced and read by title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Ordinance 88-9 be adopted.

Tim Mueller presented the following choices and considerations for how to deal with the Griffy area concerns; 1) retain the RE, acre lots on septic systems 2) allow RE on sewers on the ridge above the Lake Griffy area and 3) recognize the watershed development area and retain the RE classification with a greater density allowed on the higher ridges. He asked the council for some type of guidance as to exactly what should be proposed to the Plan Commission; pursue a larger study of the area or is there another direction the council want the commission to consider.

Fernandez said it was senseless to deal with only one area at a time considering the size of the actual watershed. He hoped that the entire area would be considered as a whole. He felt that it was unfair to mandate sewers where and when it is not economically possible. He suggested that keeping the density down might allow the septic systems to work more effectively.

Hogan agreed with Fernandez noting that the plan must be for the entire area, that this is a good plan for the area, and that we must stop changing the rules that stop development essentially. Plans for the entire could be a year long project. He suggested that it was very inconsistent for us (the City) to approach a developer and tell them to put in a septic system.

Fernandez agreed with Hogan, that we are changing the rules at the 11th hour but not dealing with the real Lake Griffy problem. Bringing sewers in will make the area economically attractive to other developers.

Olcott said that this is a familiar scenario comparable to the North corridor and again we are asking you (the Plan Dept/Commission) to give us a plan and some alternatives that you are comfortable with. He said that today he would vote for sewers rather than septic systems.

Service then read a memo to the Plan Commission from the Common Council (Attached to minutes)

Jeff Fanyo, engineer on the project disputed the statement made earlier by someone that sanitary sewers are no better than a septic system. He agreed that the permitting process is certainly faster for septic but noted that Steve Creech, Monroe County Health Director said that sewer was better if there is a choice. Fanyo continued by questioning the frequent reference to high density. The proposed plan calls for 1.6 units/acre. The city defines high density as 20 units/acre.

Lynn Coyne, representing Bruce Storm said that this issue has been the topic of no less than 14 meetings and still no decision has been made. He said that he and his client would welcome a hearing before the BZA and the Plan Commission. Allowing septic systems would create a 14 million gallon a year flow of effluent. He pointed out that the tract under discussion does not sit on the bank of Lake Griffy. He referred to a letter from the DNR stating that they see no significant impact on the land with this type of development because of controlled access to the watershed.

He asked that plan objectives to sent back to the Plan Commission with a hoped for understanding that a higher density that would bring sewers to the area would be acceptable. He asked that it be sent back in such a way that reasonable arguments can be made before the other boards they must go before.

Paul Schneider hoped that the council could dedicate an area as a green belt. He wondered if a second opinion could be obtained regarding soil samples in the area. Tim Mueller said no, not after all approvals had been granted and approved and he thought it was inappropriate for the Plan Commission to intervene in health dept. matters and decisions. Schneider thought it might be a good idea to get rid of all the interdepartment "schizophrenia" and work together.

Bill Finch, representing one of the property owners said that isn't quite so easy but that this whole process has to end somewhere. Sewers have been considered an improvement in every other area that has been considered for the last fifteen years.

Paul Glen said they not not concerned with just the watershed area. The entrance is right off N. Dunn St with all the traffic problems that creates. "Everything at Griffy is controversial" he said, "If Parks and Rec is interested, let's give an extra shot at solving the whole problem. Dick Martin protested the whole process that allows a variance to dictate what the future of the area will be.

Hogan suggested considering each area separately. Fernandez noted that nothing discussed this evening will improve the road situation in that area and he felt that the taxpayers will not tolerate us building a road to facilitate developers. Fanyo said that the developer is willing to reconstruct Old 37 and N. Dunn for 500 feet and the County has indicated a willingness to install a traffic signal at 37 and Old 37 if traffic needs warrant it.

The ordinance received a roll call vote of
Ayes:0, Nays:8 (The ordinance failed)

It was moved and seconded that Resolution 88-6
be introduced and read by title only.

RESOLUTION 88-6

Clerk Williams read the resolution.

It was moved and seconded that Resolution 88-6
be adopted.

Tim Mueller said that the MP zone was an attempt to fill a gap in zoning classifications and the resolution is necessary due to the fact that the MP zone was approved by the Plan Commission but never voted on by the Common Council. A period of 90 days passed and the MP zone became law without a public hearing opportunity. This resolution, in effect fulfills that need. Mueller said that the classification does not apply to any existing property.

Fernandez said it was a good idea and was glad the City was doing it.

A NO vote would allow the zone to remain as law.

The ordinance received a roll call vote of
Ayes:0, Nays:8. The zone is now in effect.

It was moved and seconded that Resolution 88-8 be introduced and read by title only. Clerk Williams read the resolution.

RESOLUTION 88-8

It was moved and seconded that Resolution 88-8 be adopted.

Pam Service thanked George Heise for the wonderful job and service he has performed for the last ten years on the Environmental Commission

The resolution received a roll call vote of Ayes: 8, Nays:0

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

LEGISLATION FOR
FIRST READING

Ordinance 88-11 To amend Chapter 15.32.120 of the BMC to Delete the Designation of an Official Vehicle Zone in Schedule R and Substitute Another.

Ordinance 88-12 To amend Title 17 of the BMC entitled "Construction Regulations"

David McCrea addressed the Council regarding a letter he sent to the Council regarding an affidavit by Joe Highland, consultant to the City regarding PCBs. He questioned the Council and if they knew that \$12 million was included in the Monsanto suit to monitor 1,000 Monroe County residents in six separate examinations a control group somewhere else in the country. He asked when the Council knew of this proceeding and why it was not communicated to the Monroe county citizens. The tragedy is if health is affected, it will be discovered too late. The Council needs to tell Westinghouse that we will not take second best. He said he wanted someone to say this is wrong, to get rid of the O'Conner combuster and a full disclosure to all citizens of Monroe County.

PETITIONS AND
COMMUNICATIONS


Service announced that next week's meeting would be cancelled.

The meeting was adjourned at 10:25 P.M.


ADJOURNMENT

APPROVE:

ATTEST:



Pam Service, President
Bloomington Common Council



Patricia Williams, CLERK
City Clerk

City of
Bloomington
Indiana



Office of the
Common Council

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Memo to: Plan Commission
From: Common Council
Re: Ordinance 88-9
Date: March 23, 1988

The Common Council of the City of Bloomington is concerned that a Neighborhood Plan be developed for the Lake Griffy area which helps insure that development in that area proceed in a manner consistent with the best interests of the people of Bloomington and the preservation of a valuable natural area.

To that end we are supportive of a concept that encourages both lower residential density and the use of sewers. We feel, however, that Ordinance 88-9 is not specific enough and lacks adequately documented support to accomplish this.

Therefore, we are denying this Ordinance with the recommendation that the Plan Commission develop a Griffy Neighborhood Plan which not only encourages low density and sewer use but which also incorporates the following points:

1. Consideration of a less arbitrary, more comprehensive and logically supportable area such as the Griffy Lake watershed, or the watershed of both Griffy Lake and Griffy Creek. We realize that where portions of this area fall outside City jurisdiction, it is desirable to work with the County Plan Department in the long term development of a similar approach in the County.
2. Greater specificity on the proposed code change detailing what will be permitted and what prohibited in the new zoning category. If septic are to be allowed at certain densities, those factors determining permitted lot size must be specified.
3. Specific information and studies must be cited which provide the rationale for these recommendations: relevant sections of the Griffy Lake Long Range Use and Management Plan; septic, drainage, topographic and geologic analyses of the area; traffic projections for the major access roads; and so forth.
4. The legal ramifications of adopting such a proposal, specifically whether the recommendations are legally defensible.

(over)

Memo to: Plan Commission
March 23, 1988
Page Two

5. Long range consideration should be given by the Plan Commission, the Planning Department and all other relevant bodies, to developing ways to encourage and/or contribute to sewer expansion in critical areas.