

AGENDA
COMMON COUNCIL REGULAR SESSION
7:30 PM, WEDNESDAY, JUNE 1, 1988
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES OF MAY 18, 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 88-18 To Add a Subsection to Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic."

Committee Recommendation: Do Pass 6 - 0
 2. Ordinance 88-17 To Amend the Zoning Maps from RE to RS and Grant Outline Plan Approval and PUD Designation, re: 39 Acres North of Griffy Lake on North Dunn Street (North Point Development Corp., Petitioner).

Committee Recommendation: Do Pass 1 - 5 - 1
- VII. LEGISLATION FOR FIRST READING
 1. Ordinance 88-19 To Amend the Outline Plan re: 4383 West Gifford Road (Superior Partnership, Petitioner).
 2. Ordinance 88-20 To Approve Advance Refunding of the Waterworks Bonds of 1951, 1954 and 1966; and To Authorize Issuance of the Waterworks Refunding Revenue Bonds of 1988.
- VIII. PRIVILEGE OF THE FLOOR (This section of the Agenda will be limited to 45 minutes maximum, with each speaker limited to five (5) minutes.)
- IX. ADJOURNMENT

In the Common Council of the Municipal Building held on Wednesday, June 1, 1988, at 7:30 P.M. with Council President Service presiding over a Regular Session of the Common Council.
Roll Call: Kiesling, Hogan, Olcott, Service, Young, Fernandez, Gardner, White. Absent: Regester.

COMMON COUNCIL
REGULAR SESSION
JUNE 1, 1988

ROLL CALL

Service gave the agenda summation.

AGENDA SUMMATION

Kiesling mentioned that summer bus passes are available for the summer and represent a great deal. She suggested that parents can buy their children a bus pass as opposed to driving them all over during the summer. She also commended the recycling project and Mike Davis for his hard work on recycling. She attended a recycling conference in Philadelphia (at the end of May) and reported on the various tours and seminars at that conference. She mentioned that it was an excellent conference and that she would like to see a full scale recycling project started in Bloomington. Furthermore she mentioned that we should get our young people recycling as they are typically enthusiastic about such programs. Gardner said that she had attended a Rape Crisis Task Force meeting earlier that day and that they are making progress but continue to need community support. Olcott said that he was glad to see the Mayor healthy. Fernandez thanked Ms. Owens' second grade elementary class, from Ellettsville Elementary for having him visit. Service said that Bloomington is beginning its pilot recycling project and hopes to expand on that soon. She also welcomed back the Mayor.

MESSAGES FROM
COUNCILMEMBERS

The Mayor said that for those who wanted to recycle now to take their recyclables to Stonebelt.

MESSAGES FROM
MAYOR

It was moved and seconded that Rebecca Stover be appointed to the Arts' Commission to replace Vicki Mayes. It was approved by a voice vote.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS

It was moved and seconded that Ordinance 88-18 be introduced and read by title only. Deputy Clerk Nash read the ordinance. It was moved and seconded that Ordinance 88-18 be adopted.

LEGISLATION FOR
SECOND READING
ORDINANCE 88-18

Police Chief Sharp said that he had no additional information not presented at the May 15, 1988 committee meeting to report. The legislature now allows the Police Department to collect money for the job they do for the license branch. [inspecting vehicles that are being registered for the first time in this county to make sure they are not stolen] Five dollars (\$5.00) represents the most that the Police Department may charge for this service.

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

It was moved and seconded that Ordinance 88-17 be introduced and read by the Clerk by Title only. Deputy Clerk Nash read the Ordinance. Olcott moved and Hogan seconded the motion to postpone action on this ordinance until the June 15th Common Council meeting in an effort to give the petitioner time to compromise.

ORDINANCE 88-17

Lynn Coyne,, representing the Petitioner said that they were requesting postponement because the Council had given a clear message at the May 25th Committee Meeting that they were not inclined to pass Ordinance 88-17 in its present form due to the proposal's density and the Petitioner wants to look into a compromise.

They want to use the vehicle of 88-17 to come back to the June 15th Council meeting with a new proposal for a 39 unit subdivision for the 39 acre site which would be in keeping with the RE designation. To make the new proposal cost-effective they would drop the Dunn Street intersection changes from their plans and ask that streets be built to county specifications rather than city. These two changes would lower the offsite costs associated with this project. Coyne noted that they had not met with all the necessary officials to explore the feasibility of this new proposal but were trying to schedule meetings to pursue their ideas. Another thing Mr. Coyne mentioned was directed towards Councilmembers bothered by having an RS/PUD designation on a future master plan of the area. He said that the RS/PUD would simply be a title and if possible they would amend to replace RS/PUD with RE/PUD. He also mentioned that they preferred doing it this way to going back and starting all over again. Although they didn't have all the information in, those people they had discussed this with felt that it was feasible from an engineering and procedural point of view. The new proposal would seem to meet the objections that everyone has raised.

Hogan asked exactly what are they asking for if they are able to have 39 acre lots under the present RE designation. Coyne said they're requesting a variance of the road standards and possibly other variances that can be done within the vehicle of a PUD.

Kiesling asked Council Att. Saunders if the postponement is defeated may the Petitioner come back before the Council within a reasonable period of time. Saunders stated that if the Petitioner substantially modifies his petition he may bring it back before the Plan Commission then before the Council. She defined "modification" as a reduction in the # of development units or an attempt to address the other problems and that Petitioner's new proposal would probably qualify as a modification.

White asked if the modifications that the Petitioner suggested were adopted through the vehicle of Ord. 88-17 by the Council at the June 15th meeting, would it have to go back to the Plan Commission again. Saunders said No, the Petitioner would be required to submit a written statement agreeing to all the amendments. This would simply be an outline plan approval.

Tim Mueller, Planning Director said that there is no such thing as a RE/PUD designation. The BMC does not allow a PUD in an RE so the BMC would have to be amended to provide this designation. Service asked can the City annex property with streets of County specification. Mueller said that when the City annexes property they agree to provide services comparable to those in the City and therefore they are disinclined to vary the street standards. Fernandez asked how long a BMC modification to allow for RE/PUD designation would take. Mueller said a substantial amount of time. Mueller said that the Petitioner could not achieve RE lot specifications for 39 lots at this site because of the land grade. Street requirements could be varied by the Plan Commission through its subdivision review authority, there is precedent for this. Typically these variances are granted in outer subdivisions beyond the reach of urbanization.

Fernandez wondered what the real advantage to the postponement was and Coyne replied that it was time and less meetings.

Mailiason asked that the Council vote against the postponement.

Dick Martin said that the Petitioner has requested the USB to modify the existing easement. The USB has delayed their action waiting for the Council to act. The USB wants the Council to make public policy. They are willing to extract in exchange for granting right of way over public property certain considerations from the developer. The USB will not grant the easement without obtaining the infrastructure improvements. They will grant the easement requested if the Council accepts the PUD proposal. Martin said PUD's should not be used for this proposal but used when commercial and residential property in close proximity. Finally the neighborhood is not in favor of this compromise and were not consulted on this matter.

Charles Beard recommended that the Council reject the postponement proposal and said let them put a new proposal on the table so the citizens can have time to react.

Coyne said that the Petitioner plans to meet with the USB.

Paul Glen said that he had been to all the meetings and that there was nothing to be gained by postponement.

Charles Gaston said he voted No for the postponement because he didn't wanted the Council to be embarrassed.

The postponement received a roll call vote of Ayes: 3, Nays: 5.

Ordinance 88-17 was then withdrawn at the request of the Petitioner.

It was moved and seconded that Ordinance 88-19 be introduced and read by the Clerk for first reading before the Common Council. Deputy Clerk Nash read the Ordinance.

LEGISLATION FOR
FIRST READING

Ordinance 88-19 To Amend the Outline Plan, RE: 4383 W. Gifford Road (Superior Partnership).

It was moved and seconded that Ordinance 88-20 be introduced and read by the Clerk for first reading before the Common Council. Deputy Clerk Nash read the Ordinance.

Ordinance 88-20 To Approve Advance Refunding of the Waterworks Bonds of 1951, 1954, and 1966; and to Authorize Issuance of the Waterworks Refunding Revenue Bonds of 1988.

There were no petitions or communications from the public.


PETITIONS AND
COMMUNICATIONS

Olcott moved that the Council not meet next week.

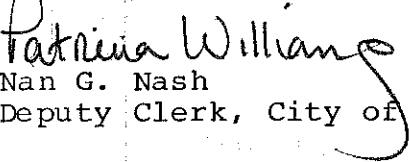
The meeting was adjourned at 8:25 P.M.

ADJOURNMENT

APPROVE


Pam Service, President
Bloomington Common Council

ATTEST


Nan G. Nash
Deputy Clerk, City of Bloomington