

AGENDA  
COMMON COUNCIL REGULAR SESSION  
7:30 PM, WEDNESDAY, April 1, 1987  
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES FOR March 25, 1987
- 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. Appropriation Ordinance 87-3 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Economic Development Program)

Committee Recommendation: Do Pass 8-0

2. Resolution 87-4 To Designate the Property Located at 116 South Walnut Street (and two vacated alleys) as an Economic Revitalization Area (CFC, Inc., Petitioner)

Committee Recommendation: Do Pass 8-0

3. Ordinance 87-12 To Approve an Outline Plan for a Planned Unit Development Re: Rogers Street and Ladd Avenue (Ron Rubeck)

Committee Recommendation: Do Pass 8-0

4. Ordinance 87-13 To Amend the Zoning Map from RL and RS to ML/PCD and Approve an Outline Plan for Planned Commercial Development Re: 4140 Vernal Pike (Dunn/Ferguson)

Committee Recommendation: Do Pass 8-0

5. Ordinance 87-14 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Misc. Traffic Changes)

Committee Recommendation: Do Pass 8-0

6. Ordinance 87-15 To Amend the Bloomington Zoning Maps from RH to BA Rd: 1931 N. Dunn Street (Varsity Villas Corp., Petitioner)

Committee Recommendation: Do Pass 2-5-1

VII. FIRST READINGS:

1. Ordinance 87-16 To Amend Various Sections of the Bloomington Municipal Code (Correcting Provisions for Title of Board of Park Commissioners, City Standard for Street Repairs, Title 15 penalty provisions, and Section 16.04.010 of the Housing Code)

2. Ordinance 87-17 To Amend Chapter 6.12 of the Bloomington Municipal Code Entitled Smoking in Public Places

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, April 1, 1987, at 7:30 P.M. with Council President Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
APRIL 1, 1987

Roll Call: Service, Porter, Regester, Olcott, Mayer, Foley, Murphy, Gross, Young.

ROLL CALL

Mayer read the agenda summation.

AGENDA SUMMATION

The minutes of March 25, 1987 were approved.

APPROVAL OF MINUTES

Service said the events of the weekend and Monday night were gratifying to all the citizens of Bloomington and Indiana. "Even the I.U. Police and City Departments commented that people really seemed to enjoy themselves", Service said.

MESSAGES FROM  
COUNCILMEMBERS

Regester (suffering a slight case of laryngitis) noted that he was almost "speechless" because of I.U.'s incredible performance in New Orleans. (O.K. for the purpose of the record I.U. won the NCAA Basketball Title in New Orleans on Monday night - needless to say Bloomington, In was the best little town in the world that night).

Gross announced that Service would be autographing copies of her third book When Night Winds Howl at Howard's Bookstore on Saturday.

Foley also thought the game was great and that's from someone who was born in Syracuse.

Mayor Allison thanked the I.U. team and coaching staff for the wonderful victory that we enjoyed as a community. She thanked the street department and sanitation departments for the great job they did cleaning up the "celebration remains". Hall Signs will print signs for the entryways to the city acclaiming the champions.

MESSAGES FROM THE  
MAYOR

It was moved and seconded that Irving Grossack be appointed to the Arts Commission. It was approved by a voice vote.

BOARD AND COMMISSION  
APPOINTMENT  
ARTS COMMISSION

Olcott moved and Foley seconded the motion that App. Ordinance 87-3 be introduced and read by title only. Clerk Williams read the ordinance.

LEGISLATION FOR  
SECOND READING  
ORD. 87-3  
(APPROPRIATION ORD)

Olcott moved and Foley seconded the motion that App. Ordinance 87-3 be adopted. There was a small change in the synopsis.

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

Olcott moved and Foley seconded the motion that Resolution 87-4 be introduced and read by title only.

RESOLUTION 87-4

Clerk Williams read the resolution.

Olcott moved and Foley seconded the motion that Resolution 87--4 be adopted.

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

Olcott moved and Foley seconded the motion that Ordinance 87-12 be introduced and read by title only. Clerk Williams read the ordinance. ORDINANCE 87-12

Olcott moved and Foley seconded the motion that Ordinance 87-12 be adopted.

There was a brief discussion and the ordinance received a roll call vote of Ayes:9, Nays:0.

Olcott moved and Foley seconded the motion that Ordinance 87-13 be introduced and read by title only. Clerk Williams read the ordinance. ORDINANCE 87-13

Olcott moved and Foley seconded the motion that Ordinance 87-13 be adopted

Tim Mueller gave a brief descripteion of the tract, noting that the steep slopes over 15% of the graded area would not be developed.

John Goss suggested that the west side annexation fund might be used to finance the cost of water line displacement necessary for this development. If we do the water line work in house it is likely to cost at least \$45,000. If it is contracted out it would be considerably more. If the fund were to be used then the Council would have to pass the necessary resolution.

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

Oloctt moved and Foley seconded the motion that Ordinance 87-14 be introduced and read by title only. Clerk Williams read the ordinance. ORDINANCE 87-14

Olcott moved and Foley seconded the motion that Ordinance 87-14 be adopted.

Murphy proposed an amendment covering several code cite changes and general clerical changes.

The amendment received a roll call vote of AyesL9, Nays:0.

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

Olcott moved and Foley seconded the motion that Ordinance 87-15 be introduced and read by title only. ORDINANCE 87-15

Clerk Williams read the ordinance.

Olcott moved and Foley seconded the motion that Ordinance 87-15 be adopted.

Tim Mueller gave the tract description, 6/10 of an acre on the west side of Dunn St. across from the stadium. The planning staff has recommended against the plan for reasons of a lack of community need but mainly because it is spot zoning in an RH zone. It would open the City up to future policy questions elsewhere. He said I.U. has been contacted regarding the plan and that while they shared our concern they were not going to take a position on the issue.

Lynne Coyne, attorney for the petitioner, said that Mueller had described the issue adequately there are some points of different opinion. First of all the Plan Commission is an appointed body, You, as council members are an elected body and so it is appropriate that we bring this request to you. The need is there, the need for permanent office space, delis perhaps, a small grocery store, a laundry and storage is always a problem in efficiency apartments. The original 20 acres were high density zoned and the request was made for a BA change since mini warehouses were in the BA zone. Afterward the petitioner agreed to request the BL zoning with the understanding that the request would go before the BZA for variance for the mini-warehouses. Coyne then submitted statements of support from 697 residents of the area and 145 unit owners. He argued that the concern for precedent was not relevant since each case is considered separately. Coyne said there is a trend to neighborhood shopping areas rather than strip shopping and this area is certainly a neighborhood area

Regester asked if there was any remonstrance on the part of property owners or tenants. Mueller said no.

Olcott said he felt that it was a good plan for the area and the best use of that type of land, He said he talked with plan commission members and felt that the area was across from a major I.U. facility and that has a direct impact (the development) on the university. He said he would vote no. "it's just in the wrong place at the wrong time"..

The ordinance was rejected by a roll call vote of Ayes:2; Nays:7. (Porter and Young).

It was moved and seconded that the following ordinances be introduced and read by title only by the Clerk for first reading before the Common Council. ORDINANCE 87-16  
Ordinance 87-16 To amend Various Sections of the BMC (correcting Provisions for Title of Board of Park Commissioners, City Standard for Street Repariir

Repair, Title 15 penalty provisions and Section 16.04.010 of the Housing Code.  
Ordinance 87-17 To amend Chapter 6.12 of the BMC  
Entitled Smoking in Public Places.

Joe Loop asked for answers to his questions of last week. Service said the Council has discussed his request and there is not a lot of interest in a point by point response. She noted that several of the questions were phrased in an incriminating manner. She said the City of Bloomington has maintained that the \$900,000 was reimbursement for legal fees. Joe Loop then said that signs still were not posted. John Foster asked who was responsible for putting signs up. He was told that the City could not do it, but that the responsibility rested with the County Board of Health.

PETITIONS AND  
COMMUNICATIONS

The meeting was adjourned at 8:50 P.M.

ADJOURNMENT

APPROVE;

*Timothy Mayer*

Timothy Mayer, President  
Bloomington Common Council

ATTEST

*Patricia Williams*  
Patricia Williams  
Clerk

The City of Bloomington has always maintained, both in public and private, that the \$900,000 rental figure, which was arrived at by negotiation among the parties to the consent decree, is reimbursement for legal fees. This can be confirmed by consulting accounts of public meetings. It should also be noted that although it might be emotionally satisfying to "rub Westinghouse's nose in it", that the absence of an admission of liability is common in civil suit settlements. And regardless of how that sum is characterized, its receipt, particularly as rental for a property of little market value, is very important to the people of Bloomington as it relieves them of a considerable expense in legal fees and tax payers.

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