

AGENDA
COMMON COUNCIL REGULAR SESSION
7:30 PM, WEDNESDAY, APRIL 15, 1987
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES FOR APRIL 1, 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. 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)

Committee Recommendation: Do Pass 8-0

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

Committee Recommendation: Do Pass 6-2

3. Resolution 87-5 To Confirm Resolution 87-4 Which Designated the Property Located at 116 South Walnut Street Including Two Alleys As Described in the Application as an "Economic Revitalization Area"

VII. FIRST READINGS

1. Ordinance 87-18 To Designate an acre parcel on Sare Road at Spicewood Lane a PUD and Approve an Outline Plan for 10 Duplexes (Re: Howard Young, Petitioner)

2. Ordinance 87-19 To Approve a PUD for a Planned Mobile Home Park (Re: Cory Lane/Shady Acres Park)

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 15, 1987, at 7:30 P.M. with Council President Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
APRIL 15, 1987

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

ROLL CALL

President Mayer gave the agenda summation.

AGENDA SUMMATION

The minutes of April 1, 1987 were approved by a voice vote.

APPROVAL OF MINUTES

Mayor Allison presented one of the banners that will proclaim the NCAA Basketball Champions at each major entrance to the City. Allison also announced the Lemon Lane "Spring Clean-Up". The USB passed a resolution regarding the interim clean up process at Lemon Lane. She also called attention to the CDBG display in the Council Chambers.

MESSAGES FROM THE
MAYOR

Olcott moved and Foley seconded the motion that Ordinance 87-16 be introduced and read by title only. Clerk Williams read the ordinance.

LEGISLATION FOR
SECOND READING
ORDINANCE 87-16

Olcott moved and Foley seconded the motion that Ordinance 87-16 be adopted.

There was no discussion and the ordinance received a roll call vote of Ayes: 9, Nays:0.

Olcott moved and Foley seconded the motion that Ordinance 87-17 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 87-17

Olcott moved and Foley seconded the motion that Ordinance 87-17 be adopted.

Service announced that the Monday afternoon meeting with the restaurant owners was positive and helpful. Olcott said that no one would want to vote for a no smoking ordinance more than he but that it was getting into a part of the business sector that he was unsure that they as councilmembers should be interfering.

Service proposed the amendment that restaurants must post the percentage of non-smoking seats available.

William Bailey, representing the American Cancer Society did not support the amendment and did not think it was necessary, there was widespread support for the ordinance, and at times business concerns are secondary to the public health.

Lynn Coyne, representing the restaurant association,

was not happy with the ordinance or the amendment. 8 complaints to the legal department in the last three years is hardly a major outcry. He suggested enforcing the existing ordinance. He said this ordinance denies equal protection under the law. He asked that the ordinance be tabled or at least postponed for the next two weeks.

Olcott asked if Coyne could present reasonable, acceptable guidelines in that time span and Coyne said yes.

John Seffrin, an I.U. Professor spoke in favor of the ordinance. When the first ordinance was passed in 1978 the effects of secondary smoke were unknown. The public health in this community is the responsibility of the Common Council, not the restaurant association.

Janos Stark thought the amendment improved the ordinance but certainly did not address the problem he had as a bookstore owner who smoked. Roy Smith spoke against the ordinance because it went against the free enterprise system. Steve Koontz, from Porticos, was against the amendment. He suggested that the ordinance be tabled for one year because no one knows if the current ordinance works, never mind another one. Dick McFall was against the amendment noting that the only persons benefiting from this will be the decal manufacturers. If the purpose of the ordinance is health, then this watered down version is lost.

Margaret Clark said she would like to see the percentages reversed.

Larry McConnoughty was in favor of the amendment.

Mr. Istrabadi and Mr. Bailey had a rather extended discussion of their particular points of view.

Wes Gray, owner of Lil Injun said that he had 5 stools in his restaurant and it was going to be impossible to divide it up. He thought the new ordinance should grandfather those that already exist and that while he could understand all the necessary codes for health and safety he really didn't like the idea of strange hands turning him in the night. (I thought that was a great phrase).

Dave Rezits wondered where the rest of restaurant owners were.

The vote on Services' amendment was Ayes:8,

Olcott asked Coyne if he preferred tabling this ordinance and could they come up with something more useful if they had the time.. Coyne said the amendment may be wonderful but many aspects of the problem are not addressed.

A motion to table received a roll call vote of Ayes:2
(Young and Mayer) Nays: 7. The motion
to table the ordinance was defeated.

page three
4/15/87

Murphy thought that the municipal building should
also come under the no-smoking ban if this is in
our best interests and posed this as a motion.

That motion received a roll call vote of
Ayes: 2 (Service, Murphy) Nays:7.

The ordinance, with the first amendment as a
revision, received a roll call vote of
Ayes:9, Nays:0

Olcott moved and Foley seconded the motion that
Resolution 87-5 be introduced and read by title
only. Clerk Williams read the ordinance.

RESOLUTION 87-5

Olcott moved and Foley seconded the motion that
Resolution 87-5 be adopted. There was no
discussion.

The resolution received a roll call vote of
Ayes:9, 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.
Ordinance 87-18 To Designate an acre parcel on
Sare Road at Spicewood Lane a PUD and Approve
A Plan for 10 Duplexes (Howard Young)
Ordinance 87-19 To Approve a PUD for a
Planned Mobile Home re Cory Lane/Shady Acres
Park.

LEGISLATION FOR
FIRST READING


There were no petitions or communications.

PETITIONS


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

ADJOURNMENT

APPROVE;


Timothy Mayer, President
Bloomington Common Council

ATTEST;


Patricia Williams
Clerk