

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

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR July 1, 1987

IV. REPORTS FROM:

1. Councilmembers
2. The Mayor and City Offices
3. Council Committees

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. PUBLIC HEARING ON ORDINANCE 87-32

VII. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 87-28 To Amend Title 17 of the Bloomington Municipal Code Entitled "Construction Regulations"

Do Pass: 9-0

2. Appropriation Ordinance 87-7 To Specially Appropriate from the Local Road and Street Cumulative Capital Development Fund, Parking Meter and General/Personnel Department Funds Expenditures Not Otherwise Appropriated

Do Pass: 8-1

3. Ordinance 87-30 To Ratify and Approve an Agreement In Lieu of Annexation

Do Pass: 8-1

4. Ordinance 87-31 To Amend Ordinance 79-74, Re: The Special Non-Reverting Improvement Fund

Do Pass: 8-1

5. Ordinance 87-32 An Ordinance Authorizing the Issuance and Sale of Floating/Fixed Rate of Economic Development Refunding Revenue Bonds for the Kroger Company

Do Pass: 9-0

6. Resolution 87-9 To Approve a Relocation of Durkin Plastics, Inc. for Industrial Incentive Loan Fund

Do Pass: 8-0-1

7. Ordinance 87-26 To Amend the Outline Plan (Trend Group)

## VIII. FIRST READINGS

1. Ordinance 87-33 To Transfer Appropriations Within the Fire Department Budget

2. Ordinance 87-34 An Ordinance Fixing the Salaries of Elected Officials for the City of Bloomington, Monroe County, Indiana for the Year, 1988

3. Ordinance 87-35 An Ordinance Fixing the Salaries of Appointed Officials and Employees of the City of Bloomington, Monroe County, Indiana, for the Year 1988

4. Ordinance 87-36 An Ordinance Fixing the Salaries of Utilities Employees of the City of Bloomington, Monroe County, Indiana, for the Year 1988

5. Ordinance 87-37 An Ordinance Fixing the Salaries of the Officers of the Police and Fire Departments of the City of Bloomington, Monroe County, Indiana, for the Year 1988

6. Ordinance 87-29 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory

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

COMMON COUNCIL  
JULY 15, 1987  
REGULAR SESSION

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

ROLL CALL

Mayer gave the agenda summation.

AGENDA SUMMATION

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

APPROVAL OF MINUTES

Service said the Bloomington Arts Commission will again hang art in the council chambers and anyone interested in participating should contact the Arts Commission

MESSAGES FROM COUNCILMEMBERS

Murphy addressed the recent newspaper article about the FOP investigation and hoped that if any of our Bloomington Police Officers were involved they would be exonerated. He called for a Director of Public Safety of Merit Board action that would treat all parties fairly. He also expressed concern about some police actions in the recent Lee murder trial that just took place.

Mayor Allison said that the FOP is a private organization encompassing all of the law enforcement agencies and said that the city has no jurisdiction over the FOP. She then presented an encomium for Judge Nat U. Hill who died recently.

MESSAGES FROM THE MAYOR

It was moved and seconded that Doug Porter and Perry Metz be appointed to the Traffic Commission. It was approved by a voice vote.

APPOINTMENTS TO BOARDS AND  
COMMISSIONS: TRAFFIC COMM.  
DOUG PORTER  
PERRY METZ  
PUBLIC HEARING ON  
ORDINANCE 87-32

Council President Mayer announced that there would be a public hearing on Ordinance 87-32, that it had been properly advertised as a public hearing and that comments from the public would be solicited at the time the ordinance was discussed in the regular order of Council business.

Olcott moved and Foley seconded the motion that Ordinance 87-26 be recalled for discussion. (Ordinance 87-26 was tabled at the July 1, 1987 meeting).

LEGISLATION FOR SECOND READING  
AND VOTE.  
ORDINANCE 87-26

Regester said that the neighborhood association had met numerous times and he proposed the following compromise:

- \* that there be a maximum of 43 lots
- \* retain the PUD designation
- \* rescind the 7200 sq. ft. minimum lot size
- \* that the average lot size be 7400 sq. ft.
- \* retain the accel, decel and passing blister

lanes

- \* restrict any activity within 25 ft of the Sherwood Oaks property line. Other than maintenance, the vegative buffer must be maintained.

Ted Najam, representing the petitioner, said that the compromise is really the wishes of the surrounding property owners. The 48 lot compromise is a better "deal" for everyone because it includes the road improvements, which if not made by the developer will have to be made later on at public expense.

Regester said that this has not been a black/white cut/dry decision. The overriding concern was compatibility.

Steve Ferguson asked that the buffer between the area and Sherwood Oaks be guaranteed and wanted it stipulated in the plan. He also included out buildings in the restriction.

Tim Mueller said that the PUD requird a 30' land scape buffer area and the RS designation requires a 25' rear yard allowance.

Regester asked where the sewer lines would be in relation to Sherwood Oaks and Fanyo responded within 25' at one point due to the curvature of the ravine.

Jim White representing the neighborhood assoociation said that they were pleased with the compromise and thanked Jim Regester and the Council for their attention and concern for them as a neighborhood.

The amendment received a roll call vote of Ayes:9, 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 87-28 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 87-28

Olcott moved and Foley seconded the motion that Ordinance 87-28 be adopted.

The following amendment was proposed: SECTION

II Building Official means the Engineer Or his Designee

SECTION VIII. The minimun cover shall be three feet below the finished grade.

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

Olcott moved and Foley seconded the motion that Appropriation Ordinance 87-7 be introduced and read by title only. Clerk Williams read

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ordinance by title only.

APPROPRIATION 87-7

Olcott moved and Foley seconded the motion that Appropriation Ordinance 87-7 be adopted.

Dean Behnke outlined the Third Street improvement plans block by block using the map as a guide.

From College to Walnut - no vegetation and sidewalks replaced;

From Walnut to Washington - street wider, with sidewalks replaced

From Washington to Lincoln - 5 crabapples will be removed on both the north and south sides of the street and tree grates installed

From Lincoln to Dunn - no trees planned in the grass strips but 5 trees could be planted in each strip.

East of Dunn - the mature maples will have to go and there is an agreement with I.U. that when the project is completed the City will plant trees in this area, trees of their choice by August, 1988.

Service complimented Behnke on a job well done and said that this was how we should approach each project, with a concern to the entire area affected by change

Register urged a speedier time table to avoid the mass confusion when I.U. students return

Al Towell commented on the Personnel Study that is also part of this ordinance and said that it was suggested as early as 1976 and that it would be better to wait until next year, for whoever is in office at that time

Pete Tescione, was unconvinced that a \$500,000 widening of Third Street was really necessary. He was concerned that the landscape project be properly done.

Register asked about the Highland Avenue/Hillside area and was told that there would be e/w bound exit lanes off Highland.

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

Olcott moved and Foley seconded the motion that Ordinance 87-30 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 87-30

Olcott moved and Foley seconded the motion that Ordinance 87-30 be adopted.

Mayor Allison said that the agreement is important in settling the pending lawsuit against the City by the west side industries. With passage, the industries can plan for the future and we can plan for future annexations.

Al Towell said that a SPEA economist believed that the whole idea was a bad one. He suggested that probably no one from the City ever checked his earlier statements and if they were true. "Our taxes are lower than any other community and the only reason we are doing this is to show that we have a good business climate". Towell did not think that there was any reason to do this tonight as 7 years is a long time for business to make their decisions and long-range plans.

Thayr Richie, Economic Developer for Monroe County, said that this was not a quick fix and if there is any hurry at all, it is to create a favorable climate for growth as illustrated by the recent Otis expansion. Very few people at I.U are familiar with economic development. He noted that in 1986 4,122 persons were employed

- \$95,715,000 was spent in salaries
- 30,650,000 in fringe benefits
- 23,900,000 in purchases
- 3,296,000 to charity in the community.

Olcott asked what the incentive to new industries to join the group might be. Richie said join, contribute, and enjoy a long life.

The Mayor said we could not annex because of the suit pending and we could spend years locked in a legal battle that would profit no one. She reminded the public that the in-lieu of annexation payments are made with absolutely no expectation of any city services provided. The local option income tax is also a plus.

Tim Mayer read a letter from Otis Local 826 of the I.U.E. and thanked them for their input in the process.

The amendment received a roll call vote of  
Ayes:9, Nays:0 (the amendment added a clause  
in the actual agreement)

Olcott said he had the utmost respect for Al Towell, but reminded Towell that the original in-lieu of annexation agreement (Ordinance 79-73) passed by a vote of 6-0-1

Tom O'Brien expressed concern for jobs for our young people.

Murphy said that he was somewhat in the middle of this entire issue and the fact that 4 out of 5 shops are union shops was a big plus for him. Service said that while we are not physically able to annex at this time it seemed foolish to object to elements in this agreement. "It's not the best, for in 2002 it will start all over again and there is no provision that states they won't fight annexation then". She felt that they should be annexed, did not feel that they were being terribly honest, did not like the idea of the "industrial slush-fund".

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

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Olcott moved and Foley seconded the motion that Ordinance 87-31 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 87-31

Olcott moved and Foley seconded the motion that Ordinance 87-31 be adopted.

The following amendment was proposed: that expenditures from this account may be made following passage of a Common Council resolution. Said resolution (s) shall be submitted by the Mayor on a project specific basis as warranted (SECTION II)

Expenditures from this fund which are not included in the annual budget appropriation shall be authorized by Common Council resolution (SECTION I)

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

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

Olcott moved and Foley seconded the motion that Ordinance 87-32 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 87-32  
(PUBLIC HEARING)

Olcott moved and Foley seconded the motion that Ordinance 87-32 be adopted.

Council President Mayer again announced that this was a public hearing, asked for public input, asked the Clerk if questions had been submitted prior to the meeting, verified that proper legal advertising did take place. President Mayer followed the script as certified by the Clerk and provided by the petitioner.

There was no public input.

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

Olcott moved and Foley seconded the motion that Resolution 87-9 be introduced and read by title only. Clerk Williams read the resolution by title only.

RESOLUTION 87-9

Olcott moved and Foley seconded the motion that Resolution 87-9 be adopted. Olcott absented himself from the discussion.

The resolution received a roll call vote of Ayes:8, Nays:0, Absentions:1 (Olcott)

It was moved and seconded that the following ordinances be introduced and read by title only for first reading by the Clerk before the Bloomington Common Council Ordinance 87-33 To Transfer Appropriations Within the Fire Department Budget.

LEGISLATION FOR FIRST READING  
ORDINANCE 87-33

Ordinance 87-34 An Ordinance Fixing the Salaries of Elected Officials for the City of Bloomington, Monroe County, Indiana for the year 1988  
Ordinance 87-35 An Ordinance Fixing the Salaries of Appointed Officials and Employees of the City of Bloomington, Monroe County, Indiana for 1988  
Ordinance 87-36 An Ordinance Fixing the Salaries of Utilities Employees for the City of Bloomington, Monroe County, Indiana for 1988  
Ordinance 87-37 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments of the City of Bloomington, Monroe County, Indiana for 1988  
Ordinance 87-29 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory(The Stands)

ORDINANCE 87-34  
ORDINANCE 87-35  
ORDINANCE 87-36  
ORDINANCE 87-37  
ORDINANCE 87-29

It was moved and seconded that second reading for Ordinance 87-29 be waived.

The motion received a roll call vote of Ayes:9  
Nays: 0 for the second reading waiver.

Eric Stolberg was present to answer questions and Tim Mueller described the tract as 93 acres with a proposed eventual 397 units of mixed use. Phase I has 31 units, and Phase II has 28 units. The fact that the property is in single ownership makes annexation more manageable at this time

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

There were no petitions or communications from the public.

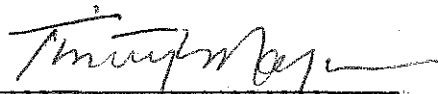
PETITIONS AND COMMUNICATIONS

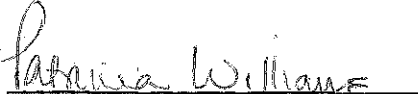
The meeting was adjourned at 10:00 P.M.

ADJOURMENT

APPROVE:

ATTEST:

  
\_\_\_\_\_  
Timothy Mayer, President  
Bloomington Common Council

  
\_\_\_\_\_  
Patricia Williams, Clerk  
City of Bloomington