

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

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES FOR SEPTEMBER 16, 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 87-11 To Specially Appropriate From the Fire Station Construction Fund and the Law Enforcement Continuing Education Fund Expenditures Not Otherwise Appropriated.

Committee Recommendation: Do Pass 9-0

2. Ordinance 87-44 To Vacate a Public Parcel, re: Alley between Lots 20 and 22 in Dolan Addition (Bloomington Vendors, Inc., Petitioner)

Committee Recommendation: Do Pass 9-0

3. Ordinance 87-45 To Amend Outline Plan for PCD at Moore's Pike and College Mall Road

Committee Recommendation: Do Pass 8-0-1

4. Ordinance 87-42 To Amend the Zoning Maps from RE to ML/PCD and Grant Outline Approval for Property Located at the Southwest Corner of SR 37 and Acuff Road (Jerry Gates, Petitioner)

Committee Recommendation: Do Pass 1(Olcott)-8

VII. FIRST READINGS

- 1. Ordinance 87-46 To Amend Title 6 of the Bloomington Municipal Code Entitled "Health and Sanitation"
- 2. Ordinance 87-47 To Amend Title 6 of the Bloomington Municipal Code Entitled "Health and Sanitation"
- 3. Ordinance 87-48 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater"
- 4. Ordinance 87-50 To Amend the Chapters 20.05, 20.07, and 20.08 of Title 20 of the Bloomington Municipal Code

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

COMMON COUNCIL  
REGULAR SESSION  
OCTOBER 7, 1987

The minutes of September 16, 1987 were approved by a voice vote.

APPROVAL OF MINUTES

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

ROLL CALL

President Mayer gave the agenda summation.

AGENDA SUMMATION

Service noted the new art exhibit hanging in the Council Chambers.

MESSAGES FROM  
COUNCILMEMBERS

Mayer thanked Senators Quayle and Lugar, Congressmen Hamilton and McCloskey for their support for the 2.8 million dollar airport expansion that will take place in Bloomington.. He also thanked an unsung hero, Ken Friedlander of the City Sanitation Department for a job well done with the recent Hoosierfest event in Bloomington. He also congratulated Kathy Saunders, the Council Attorney for a successful bar examination.

Mayor Allison presented an encomium to Mary Lou Brown for her work with Monroe County Cares and congratulated both Brown and Ron Remak for their work with the organization.

MAYORAL MESSAGES

Olcott moved and Foley seconded the motion that Appropriation Ordinance 87-11 be introduced and read by title only. Clerk Williams read the ordinance.

LEGISLATION FOR  
SECOND READING  
APP. ORD. 87-11

Olcott moved and Foley seconded the motion that Appropriation Ordinance 87-11 be adopted.

Chief Fleener said the S. Henderson station is almost completed and thanked the Council for their support. Police Chief Hostetler was also present.

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

Olcott moved and Foley seconded a motion that Ordinance 87-44 be introduced and read by title only. Clerk Williams read the ordinance.

ORD. 87-44

Olcott moved and Foley seconded the motion that Ordinance 87-44 be adopted.

Tim Mueller presented the details of the vacation request noting that this segment of the alley meets all the criteria for ROW vacation. Ted Najam was present to answer questions.

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

Olcott moved and Foley seconded the motion that Ordinance 87-45 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 87-45

Olcott moved and Foley seconded the motion that Ordinance 87-45 be adopted.

Tom Bunger, representing the developer, was present to answer any questions. There was no significant discussion and the ordinance received a roll call vote of Ayes:8, Nays:0, Abstentions:1 (Gross).

Olcott moved and Foley introduced the motion that Ordinance 87-42 be introduced and read by title only. Clerk Williams read the ordinance.

Olcott moved and Foley seconded the motion that Ordinance 87-42 be adopted.

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Jerry Gates and Ted Najam both presented statements to the Council and asked the Council to consider carefully the decision they were about to make. They said that they had a number of people present this evening to speak in favor<sup>of</sup> their request.

Garrell Hanson, a sound specialist discussed the various sound levels throughout the area taken on Tuesday, October 6 between about 4:30 and 5:00 P.M. He explained that the Upper Flaners area was the lowest sound decible at 55, with Lancaster Park at 65 dec., the center of the site at 82 dec. and the area immediately adjacent to the highway at 89 dec. The presentation was to suggest that the area was not particularly suited to residential development.

Ted Najam read a letter from Steve Creech, Monroe County Health Commissioner, supporting the position that sewers were possible in the area, noting that the area will not be developed without a sewage system and there is the reasonable likelihood that Stoutes Creek is being polluted with effluent from the north. He went on to say that it was possible that Lancaster Park might be sewerred, with drainage toward the lift station that Mr. Gates would provide.

Jerry Gates then showed a slide presentation of his other projects, especially the industrial park area that had been pictured last week by the neighbors opposing the project.

Dave Hinkle, one of the owners of the tract of land, spoke in favor of the development.

Mr. Ellis, owner of the Grimes Pools business also supported Mr. Gates proposal.

Terry Cockerham, Owner of Terry's Westbury said he was proud of Westbury Village, of the business growth in the area and would welcome Mr. Gates development to the area.

Sandy Harlan, owner of Wayport Kennels lives on Hwy 37 N. and said the area is not suitable for residential. They have lived there for years and the noise level is very high. She said that she is also a tenant of Mr. Gates with her Wayport Kennel business at 10th and the Bypass and that he is a very good landlord, working hard to meet everyone half way in their needs.

Thayr Ritchie expressed support for the development saying that there are very few sites with a well developed infrastructure in place; most have land for lease not for sale. In the entire area there are only three sites for sale; Park 37 has 60 acres, Vernal Pike and the By-Pass with 20 acres and the Whitehall Industrial Growth area. Richie said that as someone who uses land to bring industry to Bloomington, he can use all the ammunition he can get.

James Hardy, president of the building Trade unions and their business agent supported the proposal.

Ruth Kivett Burns also supported the project.

John Kerr said the property has been for sale for eleven years and this would be a satisfactory use for the tract.

Najam read letters from Bill Williams, County Engineer and Rick Zabriskie of the Plan Commission supporting the project. Williams said that Acuff Rd. may be on line for federal funds for improvements

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Jerry Gates presented a concept for using the various local limestones in the different buildings and suggested that this would be a very attractive way to highlight our limestone industry

Marge Faber introduced the individuals speaking against the proposed plan.

Pam Flower said that this was a classic example of spot zoning

Danny Shields said that Acuff Rd. is already at a dangerous load capacity and that the state or county has no plans at the present time to improve the inter-section.

Jack Shiner said there are too many "might bes" in this plan that could be replaced by "Might Not be"

Rita Hefron also spoke against the development.

Marge Faber said that while the neighborhoods agreed with Mr. Richie about responsible development the letter supporting the sewers in this area did not apply to this area.

Mike Hefron said that the two mile fringe representative on the Plan Commission, Lorraine Cooksey was willing to speak against the development but was told not to come. Hefron wondered about that since Mr. Zabriskie sent a letter supporting the project.

Jim Koryta, Bob Cunningham and Adrian Ziebolt also spoke against the plan as did Colonel Johnson and Conrad Urban. Pete Tescione said that neighborhoods should be self-determining

Mayor Allison said she was heartened by the way the neighborhood representative have made their views known. She expressed concern about preserving the north corridor and said that at this time it was free of strip businesses and strip cuts.

Lin Gardner said we need to protect our north corridor and that the real experts are the residents who live there

Ted Najam said the RE designation is a "holding zone" not a static zone. "There will be no improvements in infrastructure unless there is the development to support it", he said. "If the area is not developed Acuff Rd. will be the same ten years from now."

Al Cobine spoke against the proposal.

An amendment correcting the legal description was presented and received a roll call vote of Ayes:9, Nays:0.

Murphy asked about the recent California decisions regarding property denials and Tim Mueller said that dealt with compensation when services or income is lost.

Service said she questions the sound demonstration and thought that was a good arguments against residential development

Murphy said he would still like to see residential development. He said that this proposal has had the most hearings he can ever remember for as long as he has been on the Plan Commission or the Common Council.

Olcott said the neighbors have extracted a good compromise and there is still a lot of green space "The area will never be residential"

Register thanked Gates for his presentation and cited the Acuff Rd. as a major problem for any development

Mayer said that if the plan were known, like an office complex he would not have the problems he has with the present proposal. "There just isn't

a known plan"

Gross said the north corridor is a community resource and we have held this to higher standards.

The ordinance received a roll call vote of Ayes:2 (Olcott, Young), Nays:7. The ordinance was defeated.

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.. FIRST READINGS

Ordinance 87-46 To Amend Title 6 of the BMC Entitled "Health and Sanitation"

Ordinance 87-47 To Amend Title 6 of the BMC Entitled "Health and Sanitation"

Ordinance 87-48 To amend Title 10 of the BMC Entitled "Wastewater"

~~Ordinance 87-50 To Amend Chapters 20.05, 20.07, and 20.08 of Title 20 of the BMC (Never introduced)~~

There were no petitions or communications.

PETITIONS FROM PUBLIC

The meeting was adjourned at approximately 11 P.M.

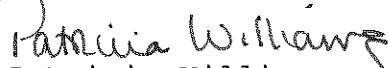
ADJOURNMENT

APPROVE:

ATTEST:



Timothy Mayer, President  
Bloomington Common Council



Patricia Williams  
Clerk, City of Bloomington