

AGENDA

COMMON COUNCIL REGULAR SESSION

7:30 PM, WEDNESDAY, MAY 1, 1985

COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES OF APRIL 17, 1985
- IV. REPORTS FROM:
 1. COUNCILMEMBERS
 2. THE MAYOR AND CITY OFFICES
 3. COUNCIL COMMITTEES
- V. LEGISLATION FOR SECOND READING AND RESOLUTIONS
 1. Ordinance 85-16 To Amend the Bloomington Zoning Maps from RE to PUD (Ruth Kivett-Burns)

Committee Recommendation: Do Pass 8-0
 2. Ordinance 85-17 To Amend the Bloomington Zoning Maps from RE to RS/PUD (E.R.W. Corp.)

Committee Recommendation: Do Pass 8-0
 3. Ordinance 85-19 To Amend the Bloomington Zoning Maps from RL to ML/PCD (Nate Silverstein)

Committee Recommendation: Do Pass 8-0
 4. Ordinance 85-15 To Amend Title 20 of the Bloomington Municipal Code Entitled "Zoning" Re: Number of unrelated adults permitted in dwelling units in RS or RE zones

Committee Recommendation: Do Pass 5-3
 5. Resolution 85-15 Approving the Redevelopment Plan for the Downtown Redevelopment Area

Committee Recommendation: Do Pass 8-0
- VI. FIRST READINGS
 1. Ordinance 85-20 To Vacate a Public Parcel
Re: 221 E. Kirkwood, Victoria Towers (Bruce Storm)
- VII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 45 minutes maximum, with each speaker limited to five minutes.)
- VIII. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, May 1, 1985, at 7:30 P.M. with Council President Gross presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MAY 1, 1985

Councilmembers present: Service, Porter, Register, Gross, Olcott, Foley, Mayer, Murphy, Young.

ROLL CALL

President Gross gave the agenda summation.

AGENDA SUMMATION

The minutes of April 17, 1985 were approved by a voice vote.

APPROVAL OF MINUTES

Service congratulated the voters of the 8th Congressional District for finally having a congressman and also commended the four voters who elected Frank McCloskey. She also praised the courage and conviction of persons demonstrating outside Bryan Hall (I.U. Administration Building) against University economic interests in South Africa.

MESSAGES FROM
COUNCILMEMBERS

Olcott thanked the Council and the Clerk/Council staff for condolences sent upon the death of his mother.

Murphy urged citizens to write their representatives urging them to support S.B. 637 which is the anti-apartheid act.

Gross echoed Service's remarks and congratulated Frank McCloskey on finally being seated. "In elections to come there will probably be more people voting than ever before", Gross said, "every vote will be important".

Olcott moved and Foley seconded a motion that Ordinance 85-16 be introduced and read by title only. Clerk Williams read the ordinance by title only.

LEGISLATION FOR
SECOND READING/VOTE
ORD. 85-16

Olcott moved and Foley seconded a motion that Ordinance 85-16 be adopted. Foley gave the committee report.

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

Olcott moved and Foley seconded a motion that Ordinance 85-17 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 85-17

Olcott moved and Foley seconded a motion that Ordinance 85-17 be adopted. Foley gave the committee report.

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

Olcott moved and Foley seconded a motion that Ordinance 85-19 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 85-19

Olcott moved and Foley seconded a motion that Ordinance 85-19 be adopted. Foley gave the committee report.

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

Olcott moved and Foley seconded a motion that Ordinance 85-15 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 85-15

Olcott moved and Foley seconded a motion that Ordinance 85-15 be adopted. Foley gave the committee report.

Murphy moved that the following definition of primary family be included in the ordinance.

Section 20.04.01.00 (Definitions) shall be amended to provide as follows:

"Primary family" or "Family" means one or more persons related by blood, adoption or marriage, living and cooking

together as a single housekeeping unit, exclusive of household servants.

Murphy said this definition is from the Supreme Court's definition of family and it is intended to strenghten our ordinance.

The amendment received a roll call vote of Ayes: 8, Nay: 1 (Service).

Tim Mueller said that if the Council approves the recommendations of the Plan Commission and passes this ordinance it would become law immediately upon promulgation, or if the Council amends it in any way, it will go back to the Plan Commission for their approval of the amended ordinance and promulgation by law, or the ordinance could be passed as originally presented, without any amendments and then amendments could be dealt with as separate or additional ordinances.

Service suggested that the Council vote on both amendments and send them back to the Plan Commission.

Mayer felt that the timing on the amendment (the one discussed last week and generally referred to as the grandfather clause) was rapid-fire and that he didn't have time to really reflect on it. He favored a longer period of time to consider the amendments.

Porter asked if the amendment the Council just passed would throw the entire ordinance back to the Plan Commission. Mueller said yes.

It was then moved and seconded that the grandfather clause amendment be tabled. The motion received a roll call vote of Ayes: 5, Nays: 4 (Service, Gross, Murphy, Young).

The Council also asked the minutes to reflect that the Plan Commission has been instructed to look into possible options and directions as to which way to go.

Mueller said he would take it back to the Plan Commission and he was sure the amendment would receive a favorable vote.

Eric Schneller, representing IUSA, said the organization has been dealing in "good faith" regarding the grandfather clause and after 3 1/2 hours of discussion last week, was very surprised and concerned that the Council was separating this ordinance from the amendment. He urged the Council to table the entire ordinance, send it all back to the Plan Commission and then have the Plan Commission send it back as one complete ordinance.

Frank Barnhart was very annoyed that the Council was not to act on the entire ordinance. The MCAA did not speak to the grandfather clause, it was just accepted. Barnhart said that the Council kept saying that this was not an ordinance against students. The standing of the grandfather clause will affect students and very directly. He urged the Council to table the ordinance since by the first amendment passed this evening, it will go back to the Plan Commission.

Oscar Chamberlain thought the tabling of the amendment was almost dishonest, that the thing to improve is the enforcement of the code and he urged the Council to table the entire ordinance.

Murphy then moved that the Council "untable" the grandfather clause amendment. Service seconded. The motion passed by a vote of Ayes: 6, Nays: 3 (Porter, Register, Olcott). We shall continue.....

Murphy moved and Service seconded a motion that the amendment submitted by the legal department be considered. Amendment modifying the grandfather clause is attached to these minutes.

Mayer expressed concern about the "permanentness" and what would happen to a rental home that is sold.

Foley thought the grandfather clause created a balance to a very trepid situation.

Service said that we have been saying that this isn't directed to students; let's be honest about it, this is important to neighborhoods. We will have property owners fearful of reducing the number of tenants because they might lose their "rating" and then we will have the perpetuation of the very problem we are trying to correct.

Steve Davenport, IUSA, urged the Council to vote on both the amendment and the ordinance as amended.

The amendment received a roll call vote of Ayes: 7, Nays: 2 (Porter, Register).

Service said that this whole thing is something of a "red herring" that revolves around students. It doesn't. It's targeted at people who make an investment, cram as many people as possible into a house, put as little money as possible into the facility, don't bother to maintain it and abuse the flexibility of use in that zone. This ordinance doesn't have anything to do with the tactics of renters.

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

Tim Mueller said the Plan Commission would hear the amended ordinance on Monday, May 20.

Olcott moved and Foley seconded a motion to introduce and read Resolution 85-15 by title only. Clerk Williams read the resolution by title only.

RES. 85-15

Olcott moved and Foley seconded a motion to adopt Resolution 85-15. Foley gave the committee report.

Gross said the press keeps reporting that the renovation of the police department and the jail are part of this resolution and if we vote for this we are approving the renovation of those two facilities. Glenda Morrison said that this resolution pertains only to the acquisition of land for the parking garage. Gross asked if that also meant financing the garage, as stated, in the resolution. Glenda said that if it was changed, it would have to come back to the Council.

Olcott was concerned that the site was so small, why not at least 1/2 a city block.

Morrison said the consultants assured the City that that site is possible and it was a site that would cause the least disruption to the existing businesses.

Olcott said that everything he has read says that we should have better access to the parking structure.

Service said that this was not cut and dried, despite the misconceptions in the press, and there is a lot of room for input.

Murphy said that if a holding corporation is formed he would vote against it.

Olcott said he was against building on 5/6 of a block.

Gross was distressed that the Council does not have a capital budget in front of them to help with the decision. By having a "wish list" we would be able to set priorities rather than voting for a garage and denying something else. She was also concerned about TIF. Most taxes are created as a community effort. With TIF the taxes can come right back to us for our own purposes, yet in the long run we get so little from the TIF procedure.

Mayer also wished to see a priority list. He thought there was little value in having a beautiful mall and a beautiful

downtown and an infrastructure in between that is falling apart.

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

Olcott moved and Foley seconded a motion that Ordinance 85-20 be introduced and read by title only for first reading by the clerk. Clerk Williams read the ordinance by title only.

LEGISLATION FOR
FIRST READING:
ORD. 85-20

Ordinance 85-20 To Vacate a Public Parcel re: 221 E. Kirkwood, Victoria Towers (Bruce Storm)

Council President Gross said that the petitioner has requested a suspension of rules in order that this petition also be given a second and final hearing this evening.

Bruce Storm said he thought the property line went to the sidewalk (as in other downtown structures) and then discovered that the right of way was extremely wide and the newly planned addition to Victoria Towers would be a problem. A travel agency has made a commitment to locate in the new addition and AT&T is waiting for the go ahead to lay the necessary cables in the area for computer equipment, and construction plans are on hold. Storm first thought he was supposed to go to the Board of Public Works for the right of way vacation and after several weeks delay was told that the Council would be the body to appear before.

Olcott moved and Foley seconded a motion to suspend the rules and hear Mr. Storm's petition. The motion passed by a unanimous voice vote.

RULES WERE SUSPENDED
AND ORD. 85-20 WAS
GIVEN SECOND READING

Murphy absented himself from the voting on this ordinance.

Tim Mueller said that the 9.1 feet that appears to be part of Victoria Tower's yard is actually the right of way. A very attractive addition is planned maintaining the same architecture as the rest of the lovely building. Mueller said the tract meets all of the specifications for vacation. The right of way is actually 82 feet and we are only being asked to vacate 9.1 from the tract. We would have enough room for four lanes of traffic if Lincoln St. were to be widened in the future.

Mueller then asked that the legal description be corrected in the ordinance.

Olcott moved and Foley seconded a motion to correct the legal description. The motion received a roll call vote of Ayes: 8, Nays: 0 (Murphy abstained).

Mayer asked about remonstrances and Mueller said there were none. Also, there were no problems with the various utilities in the area.

The ordinance, as amended, received a roll call vote of Ayes: 8, Nays: 0 Abstentions: 1 (Murphy).

There were no petitions or communications from the public.

PETITIONS FROM PUBLIC

The meeting was adjourned at 9:45 P.M.

ADJOURNMENT

APPROVE:

ATTEST:

Patricia A. Gross
Patricia Gross, President
Bloomington Common Council

Patricia Williams
Patricia Williams, Clerk
City of Bloomington

Amendment to
Ordinance 85-15

To Amend Title 20 of the Bloomington Municipal Code Entitled "Zoning"
Re: Number of unrelated adults permitted in dwelling units in RS or
RE zones

WHEREAS, the Plan Commission has considered the present definition of "Dwelling Unit" in Title 20 of the Municipal Code, and recommended that an amendment to the Code be adopted which would limit households in the RS or RE zones to three unrelated adults:

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Chapter 20.06.02.04 of the Bloomington Municipal Code shall be amended to provide as follows:

20.06.02.04 Cessation. (a) If, for a continuous period of six months, a nonconforming use has ceased or the furnishings of a nonconforming use are removed and not replaced, the building or land shall thereafter be used only for a conforming use, except as provided below;

(b) If, in nonconforming uses involving the number of adults in dwelling units in RE or RS zones, as provided for by Bloomington Municipal Code 20.04.01.00 the owners of such dwelling units register such nonconforming uses with the City Engineer by , then such nonconforming uses shall be permanent and not subject to cessation as stated in subsection (a), even if such nonconforming use ceases for a continuous period of six months. The use to be vested pursuant to this provision shall be the use in effect as of , or the predominant use of the property for the preceding twelve months, whichever is greater.

SECTION II. Chapter 20.06.02.00 of the Bloomington Municipal Code shall be amended to provide as follows:

20.06.02.00 Continuance. (a) A nonconforming use existing lawfully at the time of enactment of the ordinance codified in this title may be continued except as restricted in this chapter.

(b) For the purposes of this title, a nonconforming use involving a dwelling unit intended for use by five unrelated adults in a RE or RS zone exists from the time a building permit is acquired from the City of Bloomington's Engineering Department for such dwelling unit, provided that the property owner's intention to accommodate four or five unrelated adults is stated in writing by . Nonconforming uses under this subsection must be registered in accordance with Bloomington Municipal Code 20.06.02.04(b).