

AGENDA

COMMON COUNCIL REGULAR SESSSION

7:30 PM, WEDNESDAY, June 5, 1985

COUNCIL CHAMBERS

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES OF May 15, 1985

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. Resolution 85-20 Recommending the Creation of the Bloomington Downtown Parking Development Corporation, and Authorizing the Appointment of the Board of Directors

Committee Recommendation: Do Pass: 8-0

2. Resolution 85-21 Inducement Resolution for Downtown Redevelopment Group (Masonic Temple)

Committee Recommendation: Do Pass: 8-0

3. Ordinance 85-21 An Ordinance to Amend the Bloomington Municipal Code Re: Consumption of Alcoholic Beverages at Cascades Golf Course Club-house

Committee Recommendation: Do Pass: 6-2

4. Ordinance 85-22 To Amend the Bloomington Zoning Maps from RE to RS Re: 3621 Leonard Springs Road (John McHenry)

Committee Recommendation: Do Pass: 8-0

5. Ordinance 85-23 To Amend Title 7 of the Bloomington Municipal Code to Add Chapter 7.42 "Snakes" and Relevant Definitions

Committee Recommendation: Do Pass: 6-2

6. Ordinance 85-24 To Amend the 1985 Salary Ordinance Fixing the Salaries of Utilities Employees of the City for the Position of Solid Waste Handling Specialist

Committee Recommendation: Do Pass: 8-0

VII. FIRST READINGS

1. Ordinance 85-25 To Amend Chapter 20.10.08.00 of the Municipal Code (Downtown Density)

2. Ordinance 85-26 To Amend the Bloomington Zoning Maps from RE to ML/PCD and to Give Outline Approval for the PCD re: NE Corner of State Road 37 and Tapp Road (Ray Moore and Bill Reeves, Petitioners)

3. Ordinance 85-27 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Miscellaneous Traffic Changes)

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 Common Council Chambers of the Municipal Building held on June 5, 1985, at 7:30 PM, with Council President Gross presiding over a regular session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JUNE 5, 1985

Councilmembers present: Regester, Olcott, Gross, Mayer, Foley, Murphy, Young. Absent: (Out of country) Service, Porter

ROLL CALL

Council President Gross gave the Agenda Summation.

AGENDA SUMMATION

The Minutes of May 15, 1985, were approved by voice vote.

MINUTES

Tim Mayer noted with sadness the passing of Fred Horning, former CAP director and community activist. He will be missed by many in this community.

MESSAGES FROM
COUNCILMEMBERS

Jim Regester recognized community members and specifically city personnel Kathy Weigle and John Goss who worked on negotiating the wiring for the parking garage (Regester Center). This will allow more options for use by large groups.

Pat Gross, in Pam Service's absence, pointed out the new art exhibit by Dr. Suresh Joishy in the Chambers. She congratulated Controller Merriman and staff for an exemplary State audit.

Mayor Allison also spoke about Fred Horning, noting how he had guided CAP through its formative years and helped many low income people throughout the community. She went on to recognize City employee Denise Joines of the Animal Shelter, who on May 30 heard a report on the CB of a bicycle accident nearby. She responded and found a young girl unconscious and not breathing; Denise gave artificial respiration, possibly saving her life, and stayed with her until the ambulance arrived. "This is the type of heroic and level-headed action we should acknowledge and applaud.", the Mayor said.

MESSAGES FROM
THE MAYOR

Olcott moved and Foley seconded a motion to introduce and read Ordinance 85-20 by title only. Deputy Clerk Fernandes read the Ordinance by title only. Olcott moved and Foley seconded a motion to adopt Ordinance 85-20. Murphy read the synopsis and gave the Committee report.

SECOND READINGS:
Res. 85-20
Creates Downtown
Parking Dev. Corp

Roy Smith, concerned citizen, said he would like to see this defeated for two reasons: The City already owns a 228 space parking garage earning an annual income of \$10,000 out of a potential \$47,000; secondly, forming the holding corporation circumvents the process of public input. He questions the wisdom and necessity of this and regrets the timing of it, being on the agenda with the animal control and alcohol ordinances.

Gross asked Corporate Counsel Lipkin if a future Council could rescind the holding corporation. Lipkin replied that the purpose of a holding corporation is to do tasks for the City. The City could decide not to enter into a lease or to appropriate funds; once the lease is signed, it is agreed to appropriate funds to meet the lease. We are now only in the preliminary stage and there will be more opportunity for public input.

Olcott stated that we are doing more than building a parking garage, we are supporting the downtown. Its not fair to look at the usage of the old garage now, with the new big buildings, it will probably be full in the future. We are supporting the core of the town and encouraging investment.

The Resolution received a roll call vote of 7-0.

Olcott moved and Foley seconded a motion that Resolution 85-21 be introduced and read by title only. Fernandes read the Resolution by title only; Murphy read the synopsis and gave the Committee recommendation.

Res. 85-21
Inducement for
Downtown Redev.
Group (Masonic
Temple)

Olcott commented that this project would help fill the parking garage.

Olcott moved and Foley seconded a motion to adopt the Resolution. The Resolution received a roll call vote of 7-0.

Olcott moved and Foley seconded a motion that Ordinance 85-21 be introduced and read by title only. Fernandes read the Ordinance by title only.

Ord. 85-21
Alcohol at
Cascades

The Parks Director, Frank Ragan, said the intent of this needs to be understood; if passed, it would allow groups renting the large west room in the Clubhouse to bring in alcohol, which makes it more attractive for events like wedding receptions. This by no means infers the sale of alcohol by the City or an independent contractor. This possibility is premature, will be thoroughly researched, and not be taken lightly.

Gross said this is a blanket permission for the use of alcohol and asked what further input from the Council would be sought before sale of alcohol would be considered. Ragan assured her that the Parks Board would be very concerned with the Council's opinion, and that, although he could not speak for the Parks Board, he felt that a study committee or two-step approval process involving the Council would be appropriate. Gross asked if the Parks Board would hold public meetings before they decided on the issue. Ragan said "Yes, definitely." Foley noted that he had had a record number of phone calls, that the concept of a study committee is a good one, and urged proceeding with caution.

Wesley Powell, local minister, said he played golf at Cascades Saturday and saw a sign advertising a tournament with "Free Beer". (Note: We have the sign in question in our office) He said Cascades is a family place and he represents four other ministers who are totally opposed to this ordinance.

Murphy said if true, that the advertising of a tournament with free beer was inexcusable, and asked Ragan who was responsible. Ragan said he had been out of town and introduced the Golf Pro, Mark Litz, who said he was out of town that day also. Murphy asked who was responsible; Litz replied that several people shared his duties but none was responsible for supervising inside the Clubhouse. Reverend Powell pointed out that the fact that no one knew what was going on should be a factor considered before you pass this.

Olcott commented that they were giving the Parks Dept. the right to go on with this, if the room works out the next step is to research contractors, etc. He knows there is beer in the carts, but it is kept quiet, and is not disruptive. He said he hated to make it a factor and doesn't want to be party to running a bar; he doesn't want to give it carte blanche.

Ragan said the Council can always rescind this permission and assured them again the Parks Board will take this seriously. Rick Zabriskie, Parks Board President, said the alcohol issue goes beyond a recreational decision, and the Board will not want to do more without sending it back to Council. Murphy asked Council Attorney Powell about the statutes; Powell replied the state statutes gave the Parks Board the power to regulate the parks but the fact that the Municipal Code prohibits alcohol in the parks gives you the power to regulate this. Gross noted that they can re-enact the prohibition at Cascades, too.

Register said he agreed with Olcott that he had no problem with wedding receptions but did not want the City in the business of dispensing alcohol. Young said private parties were OK but she was opposed to a bar, also. Murphy noted that there was a business aspect to this to consider, and a municipality could not own a liquor permit. Olcott said that they all realized the seriousness of this, and all want to accomodate such events as

wedding receptions. This will give Ragan the opportunity to see if the room does sell and give better control. Lets see how it works.

Reverend Powell said he objected to selling beer, not to using the room. Gross said that she wished to announce Service's opposition to alcohol being served at Cascades.

The Ordinance received a roll call vote of 6-1 (Young)

Olcott moved and Foley seconded a motion to introduce and read by title only Ordinance 85-22. Fernandes read the Ordinance by title only. Olcott moved and Foley seconded a motion to adopt the ordinance. Murphy read the synopsis and gave the Committee recommendation. There was no discussion and the ordinance received a roll call vote of 7-0.

Ord. 85-22
Re-zone RE to RS
3621 Leonard Spr.

Olcott moved and Foley seconded a motion to introduce and read by title only Ordinance 85-23. Fernandes read the ordinance by title only. Olcott moved and Foley seconded a motion to adopt the Ordinance. Murphy read the synopsis and gave the Committee recommendation.

Ord. 85-23
Snakes

Mayer pointed out that this was enabling legislation brought forth by the private sector, Animal Control, and the Legal Department. City Attorney Runkle said the old version of the ordinance should be replaced with the revised, amended version which the Council had before them. The amendment is attached to and part of these minutes as filed. Murphy read the ordinance as amended and noted that this was actually letting the free enterprise system take its course and enables us to protect the community, responsible dealers and the animals themselves. He commended the Animal Control Commission for their good faith effort, and also Attorney Runkle.

Runkle said the intent was to establish, at the request of pet shop owners, rational criteria for sale of reptiles. Clara Sangster, chairman of the Animal Control Commission, wanted to thank Professor Craig Nelson for his work. She also said the City has a great animal control program, with the cornerstone being responsible pet ownership.

The owner of Pet Parade said he had no objections to the ordinance as amended, in fact it was similar to what they proposed in January. Register asked the reason for excluding monitor lizards. Dr. Nelson replied that they are the largest carnivorous lizard and can inflict considerable damage.

The amendment received a roll call vote of 7-0. The ordinance as amended received a roll call vote of 7-0.

Olcott moved and Foley seconded a motion to read Ordinance 85-24 by title only. Fernandes read the ordinance by title only. Olcott moved and Foley seconded a motion to adopt the ordinance. Murphy read the synopsis and gave the Committee recommendation.

Ord. 85-24
Solid Waste
Specialist

There was no discussion and the ordinance received a roll call vote of 7-0.

The following ordinances were introduced and read by title only:

FIRST READING

Ordinance 85-25 To Amend Chapter 20.10.08.00 of the Municipal Code (Downtown Density)

Ord. 85-25

Ordinance 85-26 To Amend the Bloomington Zoning Maps from RE to ML/PCD and to Give Outline Approval for the PCD re: NE corner of State road 37 and Tapp Road (Ray Moore and Bill Reeves)

Ord. 85-26

Ordinance 85-27 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Misc. traffic changes)

Ord. 85-27

There were no communications from the public.

The meeting adjourned at 8:35 PM.

ADJOURNMENT

APPROVE:

Patricia A. Gross

Patricia Gross, President
Bloomington Common Council

ATTEST:

Patricia Williams

Patricia Williams, Clerk
City of Bloomington