

AGENDA
COMMON COUNCIL
WEDNESDAY, APRIL 4, 1984, 7:30 P.M.
REGULAR SESSION
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. PETITIONS AND COMMUNICATIONS
- VII. LEGISLATION FOR SECOND READING * DISCUSSION AND VOTE
 1. Ordinance 84-13 To Vacate a Public Parcel (Alley Vacation for the Criminal Justice Building).
Committee Recommendation: Do-Pass 8-0
 2. Ordinance 84-14 To Amend Title 4 of the Bloomington Municipal Code Entitled "Business Licenses and Regulations" and Title 14 Entitled "Peace, Safety, and Morals" of the Bloomington Municipal Code.
Committee Recommendation: Forwarded Without Recommendation: 9-0
 3. Ordinance 84-15 To Amend Section 20.07.01 of the Bloomington Municipal Code Entitled, "Zoning Ordinances."
Committee Recommendation: Do-Pass 9-0.
- VIII. LEGISLATION FOR FIRST READING
 1. Appropriation Ordinance 84-7 To Specially Appropriate from the Parks and Recreation Fund Expenditures Not Otherwise Appropriated by the City of Bloomington.
 2. Ordinance 84-20 To Amend the BMC Section 2.12.030 to Require that for the Housing Quality Appeals Board, Four (4) Concurring Votes be Required.
 3. Ordinance 84-19 To Transfer Appropriations Within the General Fund (Police Budget).
 4. Ordinance 84-16 To Amend the Bloomington Zoning Maps From RE to RL for property at 225 S. Smith Road (Ken Posson).
 5. Ordinance 84-17 To Amend Chapter 20.08.03.00 and 20.08.04.00 of Title 20 of the Bloomington Municipal Code (Downtown Residential Use).
 6. Ordinance 84-18 To Add a Section to Chapter 20.11 of Title 20 of the Bloomington Municipal Code.
- IX. MINUTES FOR APPROVAL * MARCH 21, 1984
- X. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, April 4, 1984, at 7:30 P.M. with Council President Gross presiding over a Regular Session of the Council.

COMMON COUNCIL
REGULAR SESSION
APRIL 4, 1984

Roll Call: Service, Porter, Register, Olcott, Gross, Mayer, Foley, Murphy, Young (arrived at 7:50 P.M.)

ROLL CALL

Council President Gross gave the agenda summation.

AGENDA SUMMATION

Service reminded the public of the Arbor Day festivities on Friday, April 13 at 12:00 Noon in the People's Park. Chancellor Wells will attend as well as other public figures and the event is intended to remind people of the benefits we derive from trees.

MESSAGES FROM
COUNCILMEMBERS

Register commended the Redevelopment Department on the well attended, well received Historic Conference on downtown that took place last week here in Bloomington.

Service moved and Foley seconded a motion that the following persons be appointed to the stated boards and commissions for a term of two years and one year respectively.

BOARD AND COMMISSIONS
APPOINTMENTS
EQCC
HUMAN RESOURCES

Human Resources	Victoria Thevenow
EQCC	Leo Thorbecke

The appointments were approved by a voice vote.

There was no Mayoral Message.

MESSAGES FROM
MAYOR
PETITIONS AND
COMMUNICATIONS

There were no petitions or communications.

Olcott moved and Murphy seconded a motion that Ordinance 84-13 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 84-13
TO VACATE A
PUBLIC PARCEL
(JUSTICE BLDG)

Olcott moved and Murphy seconded a motion that Ordinance 83-13 be adopted. Foley gave the committee report.

There was no discussion and the ordinance received a roll call vote of Ayes:8, Nays:0.

Olcott moved and Murphy seconded a motion that Ordinance 84-14 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 84-14
TO AMEND TITLE 4
(ITINERANT MERCH)

Olcott moved and Murphy seconded a motion that Ordinance 84-14 be adopted. Foley gave the committee report.

Murphy moved and Porter seconded the following amendment:

(h) 4.16.080 Fifteen Day Validity shall be amended to delete the last sentence as follows:

"The maximum number of days for which a license shall be issued to the same seller as defined herein shall not exceed 30 days in any six (6) month period."

(b) 4.16.020 Seller of Goods for simultaneous delivery - License required Shall be amended to add inline 4 the following language after "goods wares, merchandise or services"

"except those sellers who are supervised sellers at commercial malls or similar facilities with on-site management of such sellers and a permit application process."

Service suggested including some phrase that the permit application contain information that the city would need.

Howard Young arrived.

The Mall application form was passed around and reviewed by the councilmembers.

The proposed amendment was amended to add the following:

(b) 4.16.020 to be added to the last paragraph of the amendment: requiring information equivalent to that required in this chapter.

The amendment to the amendment received a roll call vote of Ayes:5, Nays:4 (Porter, Olcott, Gross, Young)

The amendment as presented and the amendment received a roll call vote of Ayes:9, Nays:0.

Olcott expressed concern that not one person attended the meeting to speak about this issue, "For three or four years, local merchants have complained about this problem and none of them are here to address it". Olcott said that he wasn't sure this ordinance would do the job.

Murphy agreed with Olcott and asked if the Chamber of Commerce had a position on this piece of legislation. Gross said a final draft was sent to the Chamber, the Mall and the downtown merchants. Only the Mall responded. Lynn Coyne did attend one meeting of the downtown merchants.

Frona Powell said this ordinance is much tougher than the original code. An itinerant merchant can still sell but the license will cost \$10 per day; there is a 15 day limit; a bond must be posted; a more detailed application process and proof of property tax payment; and the need to apply for a county license as well. "This will not keep people from selling, but it's tighter and stiffer".

Olcott asked what kind of control the City would have. That will be pretty much the same; telephone calls and a follow-up through the legal department and police.

Tim Mueller said the intention of the legislation was never to be restrictive but to be fair for everyone.

Olcott said the original idea was to protect the local merchant and he wasn't sure we were doing that.

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

Olcott moved and Murphy seconded a motion that Ordinance 84-15 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 84-15
TO AMEND
ZONING CODE
(ITINERANT MERCH)

Olcott moved and Murphy seconded a motion that Ordinance 84-15 be adopted. Foley gave the committee report.

Murphy suggested we address Randy Sciscoe's concerns immediately.

Tim Mueller said the biggest problem is the 15 day limitation, one time non-renewable and that is a problem for Mr. Sciscoe.

Murphy said the Council never intended to direct this ordinance to community members.

Mueller said the licensing procedure was drafted to protect consumers and while this zoning ordinance is prohibitive it still deals with the regulation of the land. He said the Council must guard against differentials in use.

Regester wondered if there was enough of a distinction between Ord. 84-14 and Ord. 84-15 -- could 84-14 not be for people coming in from out of town and then make 84-15 less restrictive and let 84-14 deal with the out-of-town merchants.

Mueller said the complementary zoning is necessary as the licensing procedure is just not adequate to address the problems encountered.

Murphy wondered if Sciscoe constructed a stall, could he secure a permanent permit. Mueller said yes, a permanent occupancy permit would be required.

Service suggested taking appeals to the Zoning Appeals Board for a waiver and Mueller thought that it would be imprudent to rely on the BZA.

Murphy asked Sciscoe how his sites were selected. Sciscoe said the sites are already leased on a month to month basis and flowers are ordered from Brazil.

He stressed the large order for flowers placed early in the year in order to get the best price. He said it would be impossible to sell those flowers in his shops without relying on the street sales. He said he rotates his sites and doesn't operate seven days a week at each site.

Mayer said he applauded Sciscoe's efforts and that it adds a certain ambiance to Bloomington life to have the street vendors selling flowers on corners, however, the kid plunked down in his chair with his cooler nearby and more or less "camped out" waiting for a sale is not a particularly pleasing image.

Mueller said the Council cannot override the Plan Commission's recommendation. The ordinance will have to be sent back to the Plan Commission. Mueller suggested several changes the Council might consider:

- *address the scale of the operation and exempt home rummage sales
- *establish a size and exempt everything smaller
- *Exempt certain types of flowers
- *exempt live "stuff" of any kind
- *uses taking less than 60 sq.ft. are exempt

Murphy moved that the ordinance be tabled and Olcott seconded that motion.

The motion to table Ordinance 84-15 received a roll call vote of Ayes:7, Nays: 2 (Olcott, Gross).

The following ordinances were introduced and read by title only for first reading by the Clerk.

Appropriation Ordinance 84-7 To Specially Appropriate from the Parks and Recreation Fund Expenditures Not Otherwise Appropriated by the City of Bloomington.

Ordinance 84-20 To Amend Section 2.12.030 of the BMC Requiring that for the Housing Quality Appeals Board, Four(4) Concurring Votes be Required.

Ordinance 84-19 To Transfer Appropriations Within the General Fund (Police Dept.)

Ordinance 84-16 To Amend the Bloomington Zoning Maps from RE to RL for property located at 225 S. Smith Rd.

Ordinance 84-17 To Amend Chapter 20.08.03.00 and 20.08.04.00 of Title 20 of the BMC (Downtown Residential)

Ordinance 84-18 To Add a Section to Chapter 20.11 of Title 20 of the BMC.

LEGISLATION FOR
FIRST READING.
APP.ORD 84-7
ORD. 84-20
ORD. 84-19
ORD. 84-16
ORD. 84-17
ORD. 84-18

The minutes of March 21, 1984 were approved by a voice vote.

APPROVAL OF
MINUTES

The meeting was adjourned at 8:45 P.M.

ADJOURNMENT

APPROVE:

ATTEST:

Patricia A. Gross
Patricia Gross, President
Bloomington Common Council

Patricia Williams
Patricia Williams
City Clerk