

AGENDA

COMMON COUNCIL

WEDNESDAY, APRIL 18, 1984, 7:30 P.M.

COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. PETITIONS AND COMMUNICATIONS
- VI. LEGISLATION FOR SECOND READING--DISCUSSION AND VOTE
  1. Ordinance 84-20 To Amend the BMC 2.12.030 to Require that for Housing Quality Appeals Board, Four Concurring Votes be Required  
  
Committee Recommendation: Do Pass 9-0
  2. Appropriation Ordinance 84-7 To Specially Appropriate from the Parks and Recreation Fund Expenditures Not Otherwise Appropriated by the City.  
  
Committee Recommendation: Do Pass 9-0
  3. Resolution 84-8 To Authorize a Temporary Loan from the Local Road and Street Special Fund to the Cumulative Capital Fund. Committee Recommendation: Do Pass 9-0
  4. Ordinance 84-19 To Transfer Appropriations Within the General Fund (Police)  
  
Committee Recommendation: Do Pass 9-0
  5. Resolution 84-9 To Designate the Property Located at the NW corner of 3rd and Walnut Streets as an Economic Revitalization Area  
  
Committee Recommendation: Do Pass 8-0 (Regester abstains)
  6. Ordinance 84-16 To Amend the Bloomington Zoning Maps from RE to RL. 225 S. Smith Road.  
  
Committee Recommendation: Do Pass 9-0
  7. Ordinance 84-17 To Amend Chapter 20.08.03.00 and 20.08.04.00 of Title 20 of the BMC (Downtown Residential Use).  
  
Committee Recommendation: Do Pass 9-0
  8. Ordinance 84-18 To Add a Section to Chapter 20.11 of Title 20 of the Bloomington Municipal Code (Downtown Upper Floor & Basement Uses)  
  
Committee Recommendation: Do Pass 9-0
  9. Resolution 84-12 To Request the Planning Commission to Amend the Zoning Ordinance Re: New Residential Construction in the BD Zone  
  
(No Committee Recommendation)

10. Ordinance 84-15 To Amend Section 20.07.10.01 of the Bloomington Municipal Code Entitled "Zoning Ordinance of the City of Bloomington" (re: Temporary Uses)

Committee Recommendation: Do Pass 8-1

VII. LEGISLATION FOR FIRST READING

1. Resolution 84-11 To Initially Propose an Ordinance to Impose the County Option Income Tax
2. Ordinance 84-22 To Impose a County Option Income Tax
3. Ordinance 84-23 To Increase the Homestead Credit
4. Ordinance 84-12 To Amend the Bloomington Zoning Maps, Dated June 7, 1978 (John Griner, petitioner)
5. Ordinance 84-21 To Amend Title 15 of the Bloomington Municipal Code Regarding Angle Parking, Limited Parking, and One-way Streets and Alleys in Specific Locations; To Designate Two New No Parking Zones and to Add a Loading Zone

IX. MINUTES FOR APPROVAL: April 4, 1984

X. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, April 18, 1984 at 7:30 P.M. with Council President Gross presiding over a Regular Session of the Council.

COMMON COUNCIL  
REGULAR SESSION  
APRIL 18, 1984

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

ROLL CALL

President Gross gave the Agenda Summation.

AGENDA SUMMATION

Young congratulated Porter for the "Rocking Chair" Award given to retiring faculty members and Olcott who recently received the "Big Wheel" award. Young also noted the apartment project at 14th and Dunn seemed to be progressing and suggested that the Council did the "right thing" by not granting tax abatement.

MESSAGES FROM  
COUNCILMEMBERS

Olcott thanked Young for the compliments and thanked Gross, the Mayor, and Betty Merriman for their efforts on behalf of the Local Option Tax. Speaking in a bi-partisan manner, Olcott asked to go on record as being in favor of the tax.

Service called attention to the new exhibit in the Council Chambers. It is the work of I.U. graphic artists (faculty and students).

Gross seconded Young's congratulations to Porter and Olcott.

Mayor Allison 'thirdded' the kudos and informed the Council that Scott Newland is leaving the community for a position in Indianapolis.

MESSAGES FROM MAYOR

There were no petitions or communications.

PETITIONS AND COMM.

Olcott moved and Murphy seconded a motion that Ordinance 84-20 be introduced and read by title only. Clerk Williams read the ordinance by title only.

LEGISLATION FOR  
SECOND READING:  
ORD. 84-20 TO AMEND  
BMC RE: HQAB

Olcott moved and Murphy seconded a motion that Ordinance 84-20 be adopted. Mayer gave the committee report.

There was no discussion and Ordinance 84-20 received a roll call vote of Ayes:9, Nays:0.

Olcott moved and Murphy seconded a motion that Appropriation Ordinance 84-7 be introduced and read by title only. Clerk Williams read the ordinance by title only.

APP.ORD 84-7 PARKS  
AND REC (BRYAN POOL)

Olcott moved and Murphy seconded a motion that Appropriation Ordinance 84-7 be adopted. Mayer gave the committee report.

Frank Ragan said the pool renovation was right on schedule -- if they fall behind in the schedule, the project would go into overtime in the form of extra hours per week rather than additional weeks. There will also be a random phone survey to determine needs and use of the parks. Service questioned the validity of the survey; it is planned for summer, when many regular users might be gone and some people who use parks and pool facilities regularly do not have phones.

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

Olcott moved and Murphy seconded a motion that Resolution 84-8 be introduced and read by title only. Clerk Williams read the resolution by title only.

RES. 84-8  
TEMPORARY LOAN FROM  
ROAD AND STREET TO  
CUM CAP

Olcott moved and Murphy seconded a motion that Resolution 84-8 be adopted.

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

Olcott moved and Murphy seconded a motion that Ordinance 84-19 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 84-19  
TRANSFER FOR POLICE  
DEPT.

Olcott moved and Murphy seconded a motion that Ordinance 84-19 be adopted. Mayer gave the committee report.

Service asked the difference between the breathalyzer and the new verifier.

Gary Clendenning suggested that questions be directed to Keith Eads for specific breakdowns in information regarding the two machines. Basically, they each determine acetone levels (rule out diabetes) and photoelectric cells.

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

Olcott moved and Murphy seconded a motion that Resolution 84-9 be introduced and read by title only. Clerk Williams read the resolution by title only.

RES. 84-9 ERA AT  
THIRD AND WALNUT  
(CLEM BLUME)

Olcott moved and Murphy seconded a motion that Resolution 84-9 be adopted. Mayer gave the committee report.

Regester removed himself from the discussion of this ordinance due to a conflict of interest. (Mr. Regester is employed by Bill Morrow Realtors).

There was no discussion of the resolution and the resolution received a roll call vote of Ayes: 8, Nays: 0, Abstentions: 1 (Regester).

Olcott moved and Murphy seconded a motion that Ordinance 84-16 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 84-16 TO AMEND  
ZONING MAPS (KEN  
POSSON)

Olcott moved and Murphy seconded a motion that Ordinance 84-16 be adopted. Mayer gave the committee report.

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

Olcott moved and Murphy seconded a motion that Ordinance 84-17 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 84-17 TO AMEND  
TITLE XX (DOWNTOWN  
RESIDENTIAL USE)

Olcott moved and Murphy seconded a motion that Ordinance 84-17 be adopted. Mayer gave the committee report.

Young noted that times have changed. He remembered when the chambers were filled when legislation of this type was discussed. "Maybe it's a change for the better".

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

Olcott moved and Murphy seconded a motion that Ordinance 84-18 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 84-18 TO ADD  
A SECTION TO TITLE XX  
(DOWNTOWN BUSINESS  
USE)

Olcott moved and Murphy seconded a motion that Ordinance 84-18 be adopted. Mayer gave the committee report.

Regester asked if the full complement of ML uses was provided for in the proposed changes.

Mueller said that it was not the full range of ML uses -- the uses chosen were considered to be the least offensive.

David Schleibaum asked if the fire department had the equipment to handle the particular building locations. Mueller replied yes, the downtown station is equipped.

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

Olcott moved and Murphy seconded a motion that Resolution 84-12 be introduced and read by title only. Clerk Williams read the resolution by title only.

RES. 84-12  
RESIDENTIAL CONSTRUCTION  
IN THE BD ZONE

Olcott moved and Murphy seconded a motion that Resolution 84-12 be adopted. Mayer gave the committee report.

This resolution was introduced by Councilmember Register.

Register said that this resolution informs the Plan Commission that the Common Council would like to see some relaxing of zoning standards for new construction. The previous ordinance deals with use of existing space for residential uses.

Gross said the procedure is allowable by state statute.

Murphy thought it was a reasonable request and consideration and it should be investigated.

Service had some reservations. She said the Council has spent a lot of time discussing legislation that was just passed. There are so many possibilities that could fall under this and she did not want to indicate that she would support anything they come up with. "If we relax, there might be more incentive to demolish buildings and begin anew" At this stage she did not wish to support this resolution.

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

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

ORD. 84-15 TO AMEND  
SECTION 20.07.10.01  
OF THE BMC "ZONING  
ORDINANCE-ITINERANT  
MERCHANT.

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

Service moved and Foley seconded a motion that the following amendment be considered:

Regarding Yard/Garage Sales in any residential zone for 3 days and No Permit is required, but sales are subject to the following conditions: One event every four months per household and all signs must be removed within five (5) days.

Service said that the current provision in the law is one that no one is going to obey and so there is little sense in allowing it to stand as it is.

Register asked why a five day period to remove advertising signs. Service said that after a three day sale, the exhaustion level is such that five days are needed to remove the signs.

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

Murphy moved that that his amendment be considered in two parts;

That Section I of Ordinance 84-15 "Temporary Retail or Wholesale Activity" shall be amended to read as follows:

That the number of days a merchant could remain at the same site be changed to 30 days instead of 15 days.

Olcott asked if the 30 days would be for a one year period. Mueller said yes. Service asked if they would be 30 consecutive days and Mueller said yes.

Henry Martin, The Bouquet Shop owner on the east side of town, wondered how much land the city owned from the sidewalk in and if people are on the street corners are they on City property?

Gross said that they must still have a temporary permit.

Mueller said this ordinance deals with the use of private land and the property boundaries are usually outlined within the deed to the property.

Gross said our County Prosecutor has determined that local merchants do not come under itinerant licensing.

Murphy said this is being done this way so that you (Mr. Martin) might employ other marketing options or techniques.

Frona Powell clarified the definition of just who a local merchant is vs. itinerant merchant and the extension of a regular local business.

Olcott asked if any other businessmen (other than florists) have contacted the city.

Mueller said that the large houseplant sales and the carpet dealers of last year certainly occupied more than 50 sq.ft. Textbook sales, jewelry and hand crafts would occupy a smaller space.

Olcott returned to the time span question of why change the 15 days to 30 days.

Murphy felt that 15 days was just too short a time.

Olcott wondered if Florist A will get a permit and then Florist A's grandmother gets the next permit...are we really stopping the process at that location. Mueller said that could happen.

Foley said he would not vote for this because traffic intersections are dangerous enough. If all the businesses were in a walking situation, then yes, but that he was not in favor of commerce at busy intersections

The amendment received a roll call vote of  
Ayes: 2 (Service, Murphy) Nays: 7  
(the 30 day amendment failed)

Murphy moved and Olcott seconded the second part of his amendment, that is:

Temporary retail or wholesale activity (no permit or site plan is required, and duration limits do not apply to any such use occupying less than 50 sq.ft. of area however, the zone limits and conditions for such uses shall apply.

Olcott said the trouble with this amendment is an itinerant merchant could use just 50 sq. ft. of a street corner and still present problems.

The amendment (50 sq.ft.) was defeated by a roll call vote of Ayes: 1 (Murphy), Nays: 8.

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

Olcott moved and Murphy seconded a motion that the following ordinances be introduced and read by title only by the Clerk for first reading.

FIRST READINGS

- Resolution 84-11 To Initially Propose an Ordinance to Impose the County Option Income Tax
- Ordinance 84-22 To Impose a County Option Income Tax
- Ordinance 84-23 To Increase the Homestead Credit
- Ordinance 84-12 To Amend the Bloomington Zoning Maps  
Re: John Griner petitioner
- Ordinance 84-21 To Amend Title 15 of the Bloomington Municipal Code.

The minutes of April 4, 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