

AGENDA

COMMON COUNCIL

WEDNESDAY, AUGUST 15, 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 DISCUSSION/VOTE \* SECOND READINGS
  1. Ordinance 84-43 To Authorize the Issuance and Sale of Economic Development Revenue Bonds Series 1984 (Alford Bloomington Limited Project) and to Approve Other Actions Related Thereto.  
(Continued from August 1, 1984)  
  
Committee Recommendation: Do Pass 8-1
  2. Ordinance 84-45 To Amend Title 2 of the Bloomington Municipal Code Regarding the Department of Law  
  
Committee Recommendation: Do Pass 8-0
  3. Ordinance 84-44 To Amend Title 2 of the Bloomington Municipal Code Creating the Position of Deputy Mayor  
  
Committee Recommendation: Do Pass 7-1
  4. Ordinance 84-42 An Ordinance to Amend the Zoning Ordinance of the City  
  
Committee Recommendation: Do Pass 8-0
- VII. LEGISLATION FOR FIRST READING
  1. Appropriation Ordinance 84-11 To Specially Appropriate From the Local Road and Street Fund Expenditures Not Otherwise Appropriated By the City of Bloomington
  2. Ordinance 84-49 To Transfer Appropriations Within the General Fund (Council Office & Human Resources Department)
  3. Ordinance 84-30 An Ordinance Amending the Bloomington Municipal Code to Add a New Title 3 and Chapter 3.02 Entitled "Cable Communication", Regulating the Procedure for Granting of Cable Communication Franchises
- VIII. MINUTES FOR APPROVAL \* August 1, 1984
- IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, August 15, 1984, at 7:30 P.M. with Council President Gross presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
AUGUST 15, 1984

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

ROLL CALL

Council President Gross gave the agenda summation.

AGENDA SUMMATION

There were no messages from Councilmembers.

MESSAGES FROM COUNCIL MEMBERS

There was no Mayoral Message.

MESSAGES FROM MAYOR  
PETITIONS AND  
COMMUNICATIONS

Mic Harrison, of INPIRG, asked if procedures for locating PCB sites have been established and if there is a process for dealing with anonymous and incomplete information. He also hoped that there would be a structure whereby INPIRG could relate with this committee.

Service said there has only been two meetings of this committee and the 'incomplete' information question is a good one. The 'anonymous' information question is a little more difficult - "it's difficult to establish a confident feeling about anonymous information. Service suggested that INPIRG get a list of the committee members and also participate in an exchange of meeting times and information.

John Fonk, a concerned citizen, said that he had information to relate to the committee and it isn't 'hearsay' and it concerns a hauler who actually burned the PCB contaminated materials on his lawn. He hoped that the Council would be more open than other people have been when information is relayed. People are willing to help but don't want to go through a "big government bureaucracy". Fonk also resented the Council laughing at him when he appeared before the Council with some information about PCB locations several weeks ago.

Foley said there has been a lot of misinformation regarding PCB locations and that the Council, in no way, meant to embarrass anyone.

Murphy asked if this was in reference to a new housing project that was going up on the south side of town over an old PCB dump site. Fonk said it was.

Gross apologized for any misinterpretation that Mr. Fonk might have had regarding the Council's response to his information about PCBs.

Olcott moved and Foley seconded a motion that Ordinance 84-43 be introduced and read by title only. Clerk Williams read the ordinance by title only.

SECOND READINGS:  
EDC BONDS FOR  
ALFORD (MARSHES)

Olcott moved and Foley seconded a motion that Ordinance 84-43 be adopted. Murphy gave the committee report.

Scott Fore, attorney for the petitioner, restated the petitioner's request, reminding the Council that everyone was probably very familiar with the project proposed by Alford. He presented some technical amendments required by the Indiana Bond Company making the document consistent with the Internal Revenue Code. Fore also noted that several minor changes might have to be made before final signings, but that they in no way affect the major intent of the ordinance.

Harriet Lipkin noted that the suggested amendments had very little impact on the ordinance itself.

The amendment received a roll call vote of Ayes:8, Nays:0.

The ordinance, as amended, received a roll call vote of Ayes:7, Nays:1 (Service)

Olcott moved and Foley seconded a motion to introduce and read Ordinance 84-45 by title only. Clerk Williams read the ordinance by title only.

ORD. 84-45  
TO AMEND TITLE 2 OF  
THE BMC REGARDING THE  
DEPT. OF LAW

Olcott moved and Foley seconded a motion to adopt Ordinance 84-45. Service gave the committee report.

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

Olcott moved and Foley seconded a motion to introduce and read Ordinance 84-44 by title only. Clerk Williams read the ordinance by title only.

ORD. 84-44  
TO AMEND TITLE 2  
OF THE BMC  
RE: DEPUTY MAYOR

Olcott moved and Foley seconded a motion to adopt Ordinance 84-45. Service gave the committee report.

Service said that as a only negative committee vote she wished to comment on this ordinance. This is a "major step" and more serious than people realize. Under this ordinance the city could be governed for up to six months by someone who is not an elected official. It isn't as if we don't already have a regular process to replace the Mayor for short or extended periods of time and that is a more appropriate way to structure governmental process in a Democracy.

Olcott said he would agree with Service if this were to be a permanent situation but the Deputy Mayor knows more than any one of the Council about day to day running of the city.

Allison said that many cities in other states now have town managers and they are not elected. The Council still retains the "policy making" provisions that the statute currently indicates.

Murphy noted one loophole, namely that the ordinance does not specify that the deputy mayor has to be a city employee.

Service said that the up to six months is a substantial period of time and that people would rather have someone who is accountable to them.

Young noted that there have been a number of people on the Common Council that the people have not wanted for Mayor.

Gross said the Council has seen this ordinance favorably and that it would be wise to have someone who is knowledgeable and familiar with city government.

The ordinance received a roll call vote of Ayes:7; Nays:1 (Service). Service did not comment on her nay vote.

Olcott moved and Foley seconded a motion to introduce and read Ordinance 84-42 by title only. Clerk Williams read the ordinance by title only.

ORD. 84-42 TO AMEND  
THE ZONING ORD.

Olcott moved and Foley seconded a motion to adopt Ordinance 84-42. Service gave the committee report.

Murphy moved the following amendment and also clarified the point that this ordinance is for multifamily dwellings only:

Section I. Section 20.18.05.00 Screening of multifamily and Commercial Development Outdoor Trash receptacles  
A level (paved) concrete slab shall be provided for outdoor trash receptacles for multifamily and commercial developments (Also 21.04.100 refers to the level concrete slab.)

Tim Mueller suggested that the word paved be used instead of concrete. If the entire parking area of a development happened to be blacktop, it would present something of an additional hardship to pave just that one area.

Young suggested evergreens as a screen for trash containers. Multifamily apartment owners pay separately for trash pick-up and still litter is scattered. Young said he did not mind screening, but the level pad seems unnecessary. Trucks break down fences and gates and in six months you can have a real mess. Young suggested a letter or a citation as a more effective way to clean up container areas.

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Bruce Bundy said this issue came up several years ago and there was concern that screens might conceal a mess that no one ever sees.

Service asked the reason for the paved slabs and Donna Robinson said that garbage cans roll on uneven surfaces, litter that is supposed to be in the cans ends up on the ground. Evergreens are not particularly effective as they have a tendency to die and replacement can easily be a problem.

The ordinance as amended received a roll call vote of Ayes: 7, Nays: 1 ( Young ).

Olcott moved and Foley seconded a motion to introduce and read the following ordinances for first reading by title only by the Clerk. Clerk Williams read the ordinances by title only.

FIRST READINGS:  
APP. ORD. 84-11  
ORD. 84-49  
ORD. 84-30

Appropriation Ordinance 84-11 To Specially Appropriate from the Local Road and Street Fund Expenditures Not Otherwise Appropriated by the City of Bloomington.

Ordinance 84-49 To Transfer Appropriations Within the General Fund (Council Office and Human Resources).

Ordinance 84-30 An Ordinance Amending the Bloomington Municipal Code to Add a New Title 3 and Chapter 3.02 Entitled "Cable Communication", Regulating the Procedure for Granting of Cable Communication Franchises.

The minutes of Aug. 1 were approved by a voice vote.

MINUTES FOR APPROVAL  
ADJOURNMENT

The meeting was adjourned at 8:25 P.M.

APPROVE:

Patricia A. Gross  
Patricia Gross, President  
Bloomington Common Council

ATTEST:

Patricia Williams  
Patricia Williams, Clerk  
City of Bloomington.