

AGENDA
COMMON COUNCIL
FEBRUARY 16, 1983 6:30 P.M.
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 DISCUSSION/VOTE - SECOND READINGS
 1. Ordinance 83-5 To Amend a Sub-Section of Section 20.06.02 and to Add a Section to Chapter 20.11 of Title 20 of the Bloomington Municipal Code
Committee Recommendation: Do Pass 6-2
 2. Ordinance 83-3 To Amend the Bloomington Zoning Maps Re: 5625 E. St. Rd. 46 from RE to BG (Ebco)
Committee Recommendation: Do Pass 6-2
 3. Ordinance 83-4 To Amend Title 15, Entitled "Vehicles and Traffic"
Committee Recommendation: Do Pass 7-0-1 (as amended to delete Sections I,II)
 4. Resolution 83-7 To Designate the Property at the Southeast Corner of Fourth Street and Walnut Street as an Urban Development Area
Committee Recommendation: Do Pass 7-1
 5. Resolution 83-8 To Approve Utilities Service Board Appropriation Request S83-3401 for Additional Sludge Facilities at the Dillman Plant
Committee Recommendation: Do Pass 6-2
 6. Resolution 83-10 To Authorize the Mayor of the City of Bloomington to Apply for State or Federal Assistance for Wastewater Treatment Projects.
Committee Recommendation: Do Pass 8-0
- VIII. INTRODUCTION OF LEGISLATION FOR FIRST READING
 1. Appropriation Ordinance 83-3 To Specially Appropriate from the Local Road and Street Fund Expenditures Not Otherwise Appropriated by the City of Bloomington
 2. Ordinance 83-11 An Ordinance to Amend Title 15 Entitled "Vehicles and Traffic"
 3. Ordinance 83-7 To Amend the Bloomington Zoning Maps Re: 3709 W. Third St. from RL to BA (Newquist)
 4. Ordinance 83-8 To Amend the Bloomington Zoning Maps, Re: 2400 S. Henderson from BA to RH (Ramshead Corp.)
 5. Ordinance 83-9 To Amend the Bloomington Zoning Maps Re: 803 S. Rogers from BL to SM (Dr. W.C. Coleman)
 6. Ordinance 83-10 To Amend the Bloomington Zoning Maps Re: 3513 Leonard Springs Rd to PUD (Carl Smith)
- IX. APPROVAL OF MINUTES - February 2, 1983
- X. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on February 16, 1983, with Council President Dilcher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
FEBRUARY 16, 1983

Council members present: Morrison, Towell, Porter, Service Dilcher, Murphy, Olcott, Gross, Hogan.

ROLL CALL

Council President Dilcher gave the agenda summation.

AGENDA SUMMATION

Service thanked the people who attended the Griffy Lake hearing that took place in Council Chambers on February 14, 1983. Town Theatre's next production is The Hollow.

MESSAGES FROM
COUNCILMEMBERS

There was no Mayoral message.

MAYORAL MESSAGE

Gross moved and Murphy seconded the motion that the following persons be appointed to Boards and Commissions:

APPOINTMENT TO
ARTS COMMISSION
HOUSING QUALITY
APPEALS BOARD

Arts Commission
Housing Quality

Frank Ragan
Robert Schwarzwald (Reappoint)
Phillip Jones

The motion was adopted by an unanimous voice vote.

Tim Mueller addressed the Council regarding the upcoming Carl Smith PUD rezoning. The site and the plan are very controversial, there have been numerous hearings and presentations about this plan and he urged councilmembers to view the site if possible before the committee meeting next week.

PETITIONS AND
COMMUNICATIONS

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 83-5 by title only. Clerk Williams read the ordinance by title only.

INTRODUCTION OF
ORDINANCES FOR
SECOND READING:
ORD. 83-5
CODE AMENDMENT FOR
TITLE 20

Olcott moved and Morrison seconded a motion to adopt Ordinance 83-5. Towell gave the committee report.

Gross explained that she would be changing her previous committee position vote. She said that it would be inappropriate to give this decision function to an administrative board; that this should be a matter for an elected council to make these decisions. Automatic spot zoning could be a disaster.

Morrison urged the council to be practical. It is ridiculous for the city to determine what a business can or cannot do. If the members of a board cannot be trusted to make a decision, then the council should be more responsible in who they appoint to these city boards and commissions. "Lets help local business and the local businessman - he isn't going to do something to deliberately harm his neighborhood".

Towell said that this ordinance sets very fundamental criteria for expansion and the way it is now set up the city would then have to grant exceptions. The Board of Zoning Appeals would have the discretionary powers to grant approval but not refuse proposals. The basic problem is that no mechanism would exist for bringing zoning changes into conformity with the basic plan. He continued by saying that he was unhappy with an ordinance originating from the Planning Department that seemed to be a reaction to another zoning request, namely the Eberle proposal.

Olcott had reservations on how this code amendment should be handled but felt there were many instances where up-zoning would benefit everyone.

Hogan said that the council was the appropriate body to determine rezoning requests and that the Zoning Appeals Board will not have the latitude to allow actual re-zoning.

Murphy moved that the proposed ordinance be tabled to enable further study. Not enough time and consideration has been given this issue and the far-reaching implications of the amendment. Olcott seconded the motion.

The motion received a roll call vote of Ayes: 7, Nays: 2. (Morrison, Service).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 83-3 by title only. Clerk Williams read the ordinance by title only.

ORD. 83-3 TO AMEND
BLOOM. ZONING M
(EBCO)

Olcott moved and Morrison seconded a motion to adopt Ordinance 83-3. Towell gave the Committee Report.

Tim Mueller said that there had been staff concern about the implications of rezoning and did not suggest rezoning the entire site.

Ted Najam said that what is proposed in the ordinance is consistent with what the Plan Commission has determined. He thought it was significant that no remonstrance of any kind has been filed against this rezoning request.

Hogan said this was an excellent proposal for expanding use, that it is an improvement to the east side and that we should not structure laws to make it more difficult for business men to expand.

Olcott, Morrison and Porter all expressed support for this rezoning.

The ordinance received a roll call vote of Ayes: 7, Nays: 2. (Service, Dilcher).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 83-4 by title only. Clerk Williams read the ordinance by title only.

ORD. 83-4 TO AM
TITLE 15

Olcott moved and Morrison seconded a motion to adopt Ordinance 83-4. Towell gave the committee report.

Olcott moved that the following amendment be adopted:

Delete Section I and II
Park and Second Street Stop Intersection.

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

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

Olcott moved and Morrison seconded a motion to introduce and read Resolution 83-7 by title only. Clerk Williams read the resolution by title only.

RESL 83-7
TO DESIGNATE PROPERTY
AT WALNUT & 4TH AS
URBAN DEV. AREA

Olcott moved and Morrison seconded a motion to adopt Resolution 83-7. Towell gave the committee report.

Service said that she would change her committee vote and vote in favor of the resolution. She said that Mr. Jones had made a sincere effort to maintain the integrity of the structure and that the new building is definitely an asset to the downtown area.

Hogan commended Mr. Jones for upgrading the property

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

Olcott moved and Morrison seconded a motion to introduce and read Resolution 83-8 by title only. Clerk Williams read the resolution by title only.

RES. 83-8
TO APPROVE USB
REQUEST FOR ADDITIONAL
SLUDGE FACILITIES

Olcott moved and Morrison seconded a motion to adopt Resolution 83-8. Towell gave the committee report.

Morrison asked Mike Phillips if an on-site inspector would be available. Phillips said there would be an inspector at all times.

The resolution received a roll call vote of Ayes: 5, Nays: 4. (Morrison, Service, Murphy, Hogan).

Olcott moved and Morrison seconded a motion to introduce and read Resolution 83-10 by title only. Clerk Williams read the resolution by title only.

RES. 83-10
TO AUTHORIZE MAYOR TO
APPLY FOR FUNDS FOR
WASTEWATER TREATMENT
PROJECTS.

Olcott moved and Morrison seconded a motion to adopt Resolution 83-10. Towell gave the committee report.

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

It was moved and seconded that the following ordinances be introduced and read by title only for first reading.
Appropriation Ordinance 83-3 To Specially Appropriate from the Local Road and Street Fund Expenditures Not Otherwise Appropriated by the City of Bloomington.
Ordinance 83-11 An Ordinance to Amend Title 15 Entitled "Vehicles and Traffic"

INTRODUCTION OF
ORDINANCES FOR FIRST
READING:
APP.ORD. 83-3
ORD. 83-11
ORD. 83-7
ORD. 83-8
ORD. 83-9
ORD. 83-10

Ordinance 83-7 To Amend the Bloomington Zoning Maps re: 3709 W. Third Street from RL to BA (Newquist).

Ordinance 83-8 To Amend the Bloomington Zoning Maps re: 2400 S. Henderson from BA to RH (Ramshead Corp.)

Ordinance 83-9 To Amend the Bloomington Zoning Maps re: 803 S. Rogers from BL to SM (Dr. W.C. Coleman).

Ordinance 83-10 To Amend the Bloomington Zoning Maps re: 3513 Leonard Springs Rd. to PUD (Carl Smith).

It was moved and seconded that the minutes of February 2, 1983 be approved. The motion carried by a voice vote.

APPROVAL OF MINUTES


The meeting was adjourned at 7:25 P.M.

ADJOURNMENT

APPROVE:


Katherine Dilcher, President
Bloomington Common Council

ATTEST:


Patricia Williams
City Clerk