

AGENDA  
COMMON COUNCIL  
REGULAR SESSION  
APRIL 15, 1981, 7:30 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. Resolution 81-12 Temporary Loan from Local Road and Street Fund to Parks and Recreation and Police Pension Funds  
Committee Report: Do Pass 8-0
  2. Ordinance 81-33 To Authorize EDC Bonds for Mayhill Homes Corporation  
Committee Report: Do Pass 8-0
  3. Ordinance 81-37 To Adopt the Recommendations of the 1981 Sunset Review Committee Concerning the Human Resources Commission, Human Rights Commission, Animal Control Commission and Traffic Commission  
Committee Report: Do Pass 7-1
  4. Ordinance 81-38 To Amend Zoning Maps re: 1100 Weimer Road from RS to BL (Martindale)  
Committee Report: Do Pass 8-0
  5. Ordinance 81-42 To Amend Zoning Maps re: 800-900 Miller Drive from RS to RL (City of Bloomington Redevelopment Department)  
Committee Report: Do Pass 7-0-1
  6. Ordinance 81-40 To Amend Zoning Maps re: NW corner of S. Walnut and Country Club Drive (Walnut Park Development)  
Committee Report: Do Pass 7-1
  7. Ordinance 81-26 To Amend Zoning Maps re: 1201 W. Allen Street from RS and MG to RL/PUD (Zai)  
Committee Report: No Recommendation 7-0
- VIII. INTRODUCTION OF ORDINANCES FOR FIRST READING
  1. Ordinance 81-39 To Amend Zoning Maps re: 225 and 231 S. Adams Street from RS to BA (Musselman)
  2. Ordinance 81-41 To Amend Zoning Maps re: 1412 W. Kirkwood from RL to BA (Quality Heating and Air Conditioning Co.)
  3. Ordinance 81-48 To Amend Outline Plan for the Indiana University Retirement Community (Meadowood)
  4. Ordinance 81-43 To Amend BMC re: "One-Way Street and alleys", and "No Parking Zones"
  5. Ordinance 81-46 Voluntary Annexation of 1822 South Walnut Street
- IX. MINUTES FOR APPROVAL: April 1, 1981
- X. ADJOURNMENT

In the Common Council Chambers of the Municipal Building, held on April 15, 1981, at 7:30 p.m. with Council president Towell presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
APRIL 15, 1981

Councilmembers present: Allison, Towell, Olcott, Morrison, Murphy, Porter, Hogan, Dilcher and Service.  
Councilmembers absent: None.

ROLL CALL

Towell read the agenda summation.

AGENDA SUMMATION

Allison announced that May 2 is "Plant Exchange Day" in Third Street Park. Citizens are encouraged to donate their extra plantings and are invited to select others at no charge. Also, a new brochure on the proper selection and maintenance of street trees, written by City Landscaper Steve Wajda, will be completed soon and will be available to the public.

MESSAGES FROM  
COUNCILMEMBERS

Olcott said he is concerned from a health and safety standpoint over the City's plan to eliminate twice-a-week trash pickup during the summer months. Perhaps the number of months this service is provided should be reduced, but he would hope the matter gets serious consideration during this summer's budget hearings. Second, there were 60 applicants for the position of Parks Administrator. Cooperation with I.U. is essential with the parks program, and for this reason it is important to hire someone with an I.U. degree in Parks and Recreation.

Service said cuts in the frequency of trash collection do not bother her as much as the possibility of any reductions in the bus service. Second, she thinks there are probably many qualified applicants for Parks Administrator that don't have Parks and Recreation degrees.

There was no message from the Mayor.

MESSAGE FROM MAYOR

There were no petitions or communications.

PETITIONS & COMM.

Hogan moved and Murphy seconded a motion to appoint Chet Tomzyk to a two year term on the Telecommunications Council. Motion carried by unanimous voice vote.

APPOINTMENTS TO  
BOARDS/COMMISSIONS  
Telecommunications  
Council

Hogan moved and Murphy seconded a motion to appoint Bob Spicer to a two year term on the Housing Quality Appeals Board. Motion carried by unanimous voice vote.

Housing Quality  
Appeals Board

Hogan moved and Murphy seconded a motion to appoint Marilyn Nelson, Maryann Wampler and Susan Pulliam to two year terms on the Commission on the Status of Women. Motion carried by unanimous voice vote.

Women's Commission

Towell thanked all applicants, stating that it is sometimes difficult to choose between so many qualified people.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 81-12 by title only.

RESOLUTION 81-12  
Temporary Loan from  
LR&S to P&R and  
Police Pension Funds

Clerk Connors read Resolution 81-12 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 81-12.

Porter read the legislative synopsis and gave the committee report with a Do Pass recommendation of 8-0.

Resolution 81-12 was then adopted by a vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-33 by title only.

ORDINANCE 81-33  
EDC Bonds for  
Mayhill Homes

Clerk Connors read Ordinance 81-33 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-33.  
Ordinance 81-33 was then adopted by a vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-37 by title only.

ORDINANCE 81-37  
To Adopt the  
Recommendations of  
the 1981 Sunset  
Review Committee

Clerk Connors read Ordinance 81-37 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-37.

Porter read the legislative synopsis and gave the committee report with a Do Pass recommendation of 7-1.

Olcott, who voted against a Do Pass recommendation, explained that the only recommendation he disagrees with is continuation of the Human Rights Commission. He will vote no instead of dividing the question.

Ordinance 81-37 was then adopted by a vote of Ayes: 8, Nays: 1 (Olcott).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-38 by title only.

ORDINANCE 81-38  
Amend Zoning re:  
1100 Weimer Rd.  
from RS to BL  
(Martindale)

Clerk Connors read Ordinance 81-38 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-38.

Porter read the legislative synopsis and gave the committee report with a Do Pass recommendation of 8-0.

Ordinance 81-38 was then adopted by a vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-42 by title only.

ORDINANCE 81-42  
Amend Zoning re:  
800-900 Miller  
Dr. from RS to  
RL (City of  
Bloomington)

Clerk Connors read Ordinance 81-42 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-42.

Porter read the legislative synopsis and gave the committee report with a Do Pass recommendation of 7-0-1.

Hogan said he had questions at the Committee meeting on this resolution, but he now realizes that it is strictly a zoning matter. Funds for the project were approved two years ago and if Bloomington doesn't get the money someone else will. There was no remonstrance from the neighborhood and Redevelopment Director Pat Patterson believes that it will represent a significant improvement to the area. However, he is concerned about the the price per unit, which he worked out to \$45,000 each, and hopes that efforts will be taken to hold the cost down.

Housing Authority Director Gene Stokes responded that the figure is more like \$22,000 per unit. This project will be closely monitored by the feds and they anticipate building the units below the estimated cost. They have never spent the maximum amount on their units, noting that funds have been left over on their last two projects.

Morrison asked if HUD is still stressing scattered site housing and Stokes replied that the trend is away from larger housing projects to direct subsidation to private landlords, as is done through Section 8.

Allison asked how long the waiting list is for public housing and Stokes estimated a couple hundred for Crestmont and a long waiting list for Section 8 housing.

Hogan asked if there is a large student population in public housing and Stokes answered that they only have a few married student families that he is aware of.

Olcott said it is a good spot for the project, stating that it will greatly improve the neighborhood along with other services provided by the City in the Miller Drive area. Allison agreed, and said it will be close to schools and on the bus line.

Ordinance 81-42 was then adopted by a vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-40 by title only.

Clerk Connors read Ordinance 81-40 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-40.

Porter read the legislative synopsis and gave the committee report noting a Do Pass recommendation of 7-1.

Service explained her no vote, stating that this is an obsolete kind of development. There is already a grocery store across the street and downtown is not far away. She would prefer to see smaller walk-in type centers so that fuel would not have to be wasted driving everywhere. The developer has a good reputation but she said the Council should take their planning responsibilities more seriously.

Murphy, the Council's representative on the Economic Development Commission, said the Commission approved the request from Marsh's (the anchor store in the new development) for \$3.3 million in EDC bonds. The issue was discussed for over an hour and they heard a great deal of discussion concerning the possibility of "adverse competition". He urged the Council to give the remonstrators' concerns serious consideration, adding that if social programs are to be cut by the feds then interest-free bonds can be cut too.

Mueller said the Plan Commission considered several factors relating to the location--it intersects two major streets, one-third of the site is in a flood-plain and is unsuitable for residential development, part of the property is already zoned BA, and the master plan shows additional growth in this part of town.

Geoff Grodner, attorney for the petitioners, explained that the development would occur without the EDC bonds; only Marsh's store would be in question if the bonds weren't approved. He concluded that this is the best location available for this type of development.

Morrison said he would encourage the petitioners to employ local labor in constructing the development.

Ordinance 81-40 was then adopted by vote of Ayes: 8, Nays: 1 (Service).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-26 by title only.

Clerk Connors read Ordinance 81-26 by title only.

ORDINANCE 81-26  
To Amend Zoning re:  
1201 W. Allen from  
RS and MG to RL/PUD  
(Zai)

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-26.

Porter read the legislative synopsis and gave the committee report with No Recommendation by a vote of 7-0.

Planning Director Tim Mueller explained that this had come before the Council before but was postponed until the disagreement between RCA and Baqui Zai could be worked out over their property line dispute. Mr. Zai had planned to use the same access to the proposed mobile home lot as he uses for his apartment complex to the north. The problem is whether this road is on Walker Street public right-of-way. Right-of-way is not dedicated on any of the old plats, but they do show a space between the two lots. Ed Farkas was the surveyor for RCA and he used benchmarks for his survey. His survey indicates a 33' space between lots 57 and 165, with Zai's property intruding onto this space. Lee Utt, surveyor for Bacqui Zai, used property corners for his survey, which are not as reliable as bench marks. The Planning staff concluded that there is sufficient doubt cast on Utt's survey to delay action at this time so that Planning and Engineering can adjust the outline plan so that the drive is not shown as private property. They see no acceptable alternative access points, and it may be possible to treat this 33' strip as public right-of-way and build a road. If this were to be done the Board of Works and Engineering would have to consider the street standards, how far to build the road, etc. For this to happen, however, Zai would have to acknowledge that the property is public right-of-way. One final problem may be that if 33' were taken off the east end of Zai's property, the adjacent property owner to the west may also have 33' taken off of their land, etc.

Towell said the Council is not capable of determining which survey is the most accurate or whether Zai's drive would be in public right-of-way at this time.

Allison moved that the ordinance be continued until an agreement can be reached between RCA and Zai. There was no second.

Fred Gregory, attorney for the petitioner, said that they don't want the ordinance tabled because they have been waiting since last July for approval. He said the city cannot "presume" the right-of-way is there if it was never dedicated. He said it is typical for two surveyors to come up with different results, but Zai has possession of the land through the title and deed.

Zai said the abstract and deed show the property is his and there is no dispute over the property line. He said they have done four surveys and spent many hours surveying documents only to have the project stopped by someone disputing these documents. He said he's sorry the City has joined RCA's side, stating that the Council should consider the other property owners along this strip of land who will also be affected by the Council's decision.

Towell said there are legal remedies for Zai if RCA has caused him to lose money, but he won't find his remedies tonight. He said he sympathizes with Zai over the lateness of RCA's survey, but it is not the Council's task to decide property lines.

Ed Riedweg of RCA said that they don't oppose Zai's plan, but he did ask them to use benchmarks for their survey. All earlier surveys have matched RCA's. He continued that PSI and other utilities have used this strip for utility lines, and he added that much of the strip goes through their property too. He concluded that the maps they purchased from the city show a right-of-way for Walker Street.

Towell said the parties will have to come to some agreement before the Council and continue. Allison said the Council cannot vote tonight since this matter affects the outline plan. She said benchmarks are always used as the final reference point.

Service said it is difficult to rely on any surveys. She agrees that the Council cannot act tonight, but Zai deserves to be given some sort of timetable.

Mueller said the City has not been able to offer to survey the land, but they have suggested that Zai get a better survey or acknowledge the right-of-way. Significant new issues have been raised as a result of RCA's survey, and it will take some time to figure out the best way to resolve the issue.

Allison moved and Dilcher seconded a motion to table Ordinance 81-26 until the property line issue is settled.

Motion carried by a vote of Ayes: 7, Nays: 2 (Olcott and Hogan).

The following were introduced by Olcott, seconded by Morrison, and read by title only by Clerk Connors for first reading.

FIRST READINGS  
Ordinance 81-39  
Ordinance 81-41  
Ordinance 81-48  
Ordinance 81-43  
Ordinance 81-46

Ordinance 81-39 To Amend Zoning re: 225 and 231 S. Adams from RS to BA (Musselman)

Ordinance 81-41 To Amend Zoning re: 1412 W. Kirkwood from RL to BA (Quality Heating and Air Conditioning Co.)

Ordinance 81-48 To Amend Outline Plan for the I.U. Retirement Community (Meadowood)

Ordinance 81-43 To Amend BMC re: "One-Way Street and alleys", and "No Parking Zones"

Ordinance 81-46 Voluntary Annexation of 1822 S. Walnut Street

Olcott moved and Morrison seconded a motion to approve the minutes of April 1, 1981, as submitted. Motion carried by a unanimous voice vote.

MINUTES FOR  
APPROVAL: 4/1/81

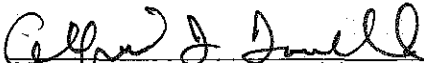
The meeting was then adjourned at 8:55 p.m.

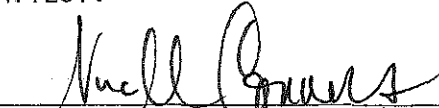
ADJOURNMENT

Minutes approved this 6<sup>th</sup> day of May, 1981.

APPROVE:

ATTEST:

  
Alfred Towell, President  
Bloomington Common Council

  
Nora Connors, City Clerk