

AGENDA  
COMMON COUNCIL  
REGULAR SESSION  
OCTOBER 7, 1981, 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 81-88 To Amend the 1980 and 1981 Salary Ordinances for Utilities Employees to Add the Position of Maintenance Coordinator  
Committee Report: Do Pass 7-0
  2. Ordinance 81-87 Budget Transfers  
re: Human Resources Dept., Board of Works and Controller's Office  
Committee Report: Do Pass 7-0
  3. Ordinance 81-89 Amend Zoning Maps  
re: 312 W. Seventh Street from BG to MG (Storms/Pete Purcell's)  
Committee Report: Do Pass as amended to ML 4-0-2
  4. Ordinance 81-90 Amend Zoning Maps  
re: 1020 W. 17th Street from BA to MG (People's State Bank)  
Committee Report: None - vote to accept withdrawal by petitioner
  5. Ordinance 81-91 To Amend Chapter 12.20 of the Bloomington Municipal Code, Entitled "Thoroughfare Plan"  
Committee Report: Do Pass 4-0-3
  6. Ordinance 81-85 To Amend Various Sections of the Bloomington Municipal Code Regarding Procedures for Refuse and Weed Removal  
Committee Report: Do Pass 4-0-3
  7. Ordinance 81-92 To Vacate Public Right-of-Way of West Ninth Street Located at 501 N. Rogers  
Committee Report: Do Pass 1-3-3
- VII. INTRODUCTION OF ORDINANCES FOR FIRST READING
  1. Ordinance 81-94 To Amend the 1980 and 1981 Salary Ordinances for Utilities Employees to Add the Positions of Plant Service Mechanic and Chief Operator
  2. Ordinance 81-78 To Amend Section 15.48.090, entitled "Pedestrian Crossings", Section 15.64.370(4) entitled "Two-Hour Parking Zones", and Section 15.64.410, entitled "No Parking Zones" of the BMC
  3. Ordinance 81-96 Budget Transfers re: Fire Department, Police Dept., Engineering, Transit, Human Resources and Parks and Recreation Dept.
  4. Ordinance 81-95 Annexation of 141 Acres Bordered Approximately by S. Walnut, Illinois Central Gulf RR, Hillside Dr. & Country Club Dr.
  5. Ordinance 81-93 To Amend Chapter 15.26 of the BMC, Entitled "Emergency Removal and Impoundment of Vehicles"
  6. Ordinance 81-86 To Amend Chapter 15.60 of the Bloomington Municipal Code, Entitled "Abandoned Vehicles"
- VIII. MINUTES FOR APPROVAL: September 16, 1981
- IX. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on October 7, 1981 at 7:30 p.m. with Councilpresident Towell presiding over a regular session of the Common Council. There was an executive session at 6:30 p.m. concerning legal matters. Councilmembers present: Allison, Towell, Olcott, Morrison, Murphy, Porter, Hogan Dilcher and Service. Councilmembers absent: None.

COMMON COUNCIL  
REGULAR SESSION  
OCTOBER 7, 1981

ROLL CALL

Councilpresident Towell gave the agenda summation.

AGENDA SUMMATION

Allison noted that there will be a public hearing concerning the City's leaf pickup program on October 15. Second, the U.S. Senate voted today not to change federal laws to take the authority for setting franchise fees away from local municipalities. Finally, people can ride the bus for free on Friday, October 7.

MESSAGES FROM  
COUNCILMEMBERS

Olcott said he was pleased to see that the City is reconsidering their earlier decision to discontinue the leaf pickup program. He said that expecting people to bag their leaves is unrealistic and it would cause another fall and winter of problems with leaves clogging drains, freezing, etc.

Service said she didn't think the City should be spending money to reinstitute this program.

Towell expressed his concern over cutbacks in the Transit system, stating that as more routes get cut or reduced, the system will become less comprehensive and convenient, resulting in the loss of more riders. He continued that Bloomington is really too small for both Bloomington Transit and the I.U. system. Unless the City can merge systems with I.U. it is possible that the bus service will not be able to continue financially since he suspects many people don't ride BT because it doesn't go to I.U.

Mayor McCloskey responded to Towell's remarks by stating that the City recently was informed that their operating subsidy for BT will drop by \$100,000, the department is experiencing many equipment problems, and there is somewhat of a problem with low ridership. He said the new study being conducted for I.U. and the City will set out what would need to be done for a merger of the system and will be completed soon. He agreed that a merger is needed, possibly to include some urbanized areas outside of the City limits. Second, he said he is proud that Bloomington is one of 18 cities nominated nation-wide for the All American City designation. He then introduced the new Parks and Recreation Director, Franklin Ragan, and his new Administrative Assistant, Kevin Dogan.

MESSAGE FROM THE  
MAYOR

There were no petitions or communications.

PETITIONS & COMM.

Olcott moved and Morrison seconded a motion to amend the agenda to move Ordinance 81-91 to number one on the agenda. Motion carried by unanimous voice vote.

AMEND AGENDA TO  
PLACE ORD. 81-91 FIRST  
ON THE AGENDA

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-91 by title only.

ORDINANCE 81-91  
To Amend BMC re:  
Thoroughfare Plan

Clerk Connors read Ordinance 81-91 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-91.

Porter read the legislative synopsis and gave the committee report with a Do Pass recommendation of 4-0-3.

Mueller explained his recommendation to remand the ordinance to the Board of Public Works for their consideration. Under the new home rule statutes the Board of Public Works must consider thoroughfare plans before the Council acts. There are advantages to the short delay which would be incurred by following this new procedure, including the authority to extract a

Levy to be escrowed for a thoroughfare fund. Since the ordinance has not yet been adopted, it would probably be better to send it back to the Board at this point. Second, he said people that have been calling his office have some misconceptions about what a thoroughfare plan is. "Thoroughfare plan" is really a misnomer-- it merely designates routes that ought to occur in the course of development and allows the city to get right-of-way from developers for street and sidewalk dedications, etc. If a developer's land includes a part of the thoroughfare plan, they would be required to construct that part of the plan. It also establishes classifications of roads for setback requirements. He said most of the neighbors' concerns seem more related to the corridor studies the Board of Works has contracted for, particularly the southeast arterial extension of College Mall Road. This plan is not a proposal for implementation or a construction plan. The procedure which would be undertaken would be for the Board of Public Works to hold a public hearing and then forward their recommendation to the Council. If they make amendments to the current plan, then it will have to go back to the Plan Commission before coming to the Council.

Hogan said he thought a Citizens Action Committee should be established, comprised of citizens from different parts of town to work with the Board of Works on designation of the corridors. Morrison agreed.

Towell said thoroughfares are really a plus for most neighborhoods since many people cut through residential areas to save time since there are currently few thoroughfares.

Allison asked about the appropriate time for the public to relay their ideas to the City, and Mueller replied that the Board of Works hearing would be the next opportunity, and his staff will gladly meet with anyone during office hours. The Council must have a 3/4 vote to amend the Plan Commission's recommendation. Depending on the particular development, the process would change-- if the development involves subdivision plats, then the Plan Commission would consider it with notice going to all adjoining property owners, a legal ad, etc. If the request is for a PUD or PCD, then it would be a general hearing before the Commission and the Council. In answer to another question from Allison, he said there will be additional hearings on the corridor study. Regarding the SE corridor, he said even if the public sector doesn't improve Sare Road, having the authority to require setbacks is important for turn lanes, traffic flow, individual driveway access, etc.

There was a short discussion concerning a citizen committee, with Towell saying he didn't know how one would be chosen, but he would go along with the idea. Allison suggested that perhaps a committee exists now that could consider it, and Mueller replied that perhaps one of the standing planning groups could do it.

Richard Shiffon of Bluff Court said that they are in favor of the plan, particularly the major arterial designations, but there are parts of the plan that are not "sensible or tolerable". Flooding is an important consideration in the Jackson Creek area and they would like the plan altered so the area would not be affected. He said the Council should be giving the Planning staff some direction on their ideas for the various thoroughfares.

Joel Thornton of Sare Road said that it appears the City is not ready to commit themselves to making decisions at this point. He said the plan involves his property and it is hitting him in the pocketbook. He asked that a decision be made soon so that he knows how much his property values have been affected.

Phil Wible of Pine Lane said the plan is short-sighted and should have been implemented 25 years ago. He said most of the arterials are too far in the City rather than on the outskirts of town. He said the plan should be sent back to an engineering consultant or rejected outright.

Marvin Lowe of Spicewood Addition said that he is concerned about increased traffic, noise, and fumes resulting from development of Sare Road. Also he is worried about property values going down as a result and people moving out of the neighborhood.

Ira Davies of Rock Creek Drive said that a thoroughfare plan is needed; however, it will definitely affect the beauty of Bloomington. He said a committee should be created with a wide range of expertise. Finally, he said as the College Mall continues to develop, problems are developing down stream with flooding.

Murphy asked how many meetings had already been held on the plan and Mueller replied two Plan Commission meetings, two Environmental Commission meetings, and two Council meetings.

Murphy said the Council's hands have been tied by the state legislature since they passed the law that requires a 3/4 vote to override a Plan Commission decision. He urged people to talk to their state reps about getting the law changed so that elected, rather than appointed, officials can have more leeway in making zoning decisions.

Olcott asked that the Board of Works hold their meeting at 7:30 rather than 5:30 so that working people can attend.

Olcott moved and Morrison seconded a motion to remand Ordinance 81-91 to the Board of Public Works. Motion carried by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to move up Ordinance 81-92 on the agenda since Morrison must leave the meeting after the ordinance is discussed.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-92 by title only.

Clerk Connors read Ordinance 81-92 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-92.

Porter read the legislative synopsis and gave the committee report with a Do Pass recommendation of 1-3-3.

Towell noted that six no votes will be needed to defeat this ordinance.

Morrison recommended defeat of the ordinance because he thinks Ninth Street should go through from Rogers to West Ninth Street Park with Fell's being moved somewhere else.

Service said she hates to give up right-of-way to benefit one company, particularly when the City may want the road to go through sometime in the future.

Tom Bunger, attorney for the petitioner, said that it would not be feasible to put Ninth Street through because of the large ravine and railroad track behind their proposed business. The land has been designated commercial for many years, and they cannot afford to make the massive improvements they plan without the street vacation. He said their plans would result in a big improvement of the area.

AMEND AGENDA TO  
PLACE ORD. 81-92  
SECOND ON AGENDA  
ORDINANCE 81-92  
To Vacate Public  
Right-of-Way  
of W. Ninth St.  
at 501 N. Rogers

Ronny Bland, westside resident, said that Ninth Street should go through. It would help take traffic off of Eighth Street and would allow the City to comply with a report from Vogt, Sage and Pflum which he said stated that Ninth Street should go through since federal funds were used for so many improvements on the west side.

Hogan said the embankment is very steep and he doesn't see what advantage there would be in putting Ninth Street through.

Tom Bunger showed a drawing of their proposal and noted that there is simply not enough room for their trucks to maneuver in the back, and that's why they need the street vacated. They will assume responsibility for replacing pavement and maintaining the storm sewer. He contended that some westside residents don't want to see Ninth Street go through, and he said he doubted the funds are available to do so.

Laramie Wilson, westside resident, said that right-of-way should be preserved in case Ninth Street is continued through. She said pedestrians coming from the northwest often use this right-of-way. Ronny Bland agreed that there is a lot of pedestrian traffic there, as did Mike Andrews.

Tom Bunger replied that they had someone sit on their property and count how many pedestrians came through, and over four days from 3:00 to 6:00, only two pedestrians came through one day, and none on the other days.

Allison moved and Dilcher seconded a motion to table Ordinance 81-92 since the information Morrison presented was new. Motion carried by a roll call vote of Ayes: 5, Nays: 4 (Porter, Towell, Olcott and Hogan).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-88 by title only. Morrison left the meeting.

Clerk Connors read Ordinance 81-88 by title only.

Olcott moved and Allison seconded a motion to adopt Ordinance 81-88.

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

Ordinance 81-88 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Murphy seconded a motion to introduce and read Ordinance 81-87 by title only.

Clerk Connors read Ordinance 81-87 by title only.

Olcott moved and Murphy seconded a motion to adopt Ordinance 81-87.

Ordinance 81-87 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-89 by title only.

Clerk Connors read Ordinance 81-89 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-89.

Porter read the synopsis and gave the committee report with a Do Pass recommendation of 4-0-2.

Towell stepped down due to conflict of interest (on Stonebelt Board and also adjacent property owner).

ORDINANCE 81-88  
Amend '80 & '81  
Util. Salary Ords.  
re: Maintenance  
Coordinator Position

ORDINANCE 81-87  
Budget Transfers

ORDINANCE 81-89  
Amend Zoning re:  
312 W. 7th from  
BG to MG (Storms)

Porter moved and Allison seconded a motion to amend the ordinance to change the zoning from MG to ML, as per the Plan Commission's recommendation. Motion carried by a roll call vote of Ayes: 7, Nays: 0.

Service said she would prefer not to see manufacturing zones in this area, but since Stonebelt is such a desirable petitioner and since they don't plan on staying there permanently, she will reluctantly vote for it.

Allison said she is still concerned about litter from the recycling facility and Dave Rogers, attorney for the petitioners, replied that the center will not be open after work hours, and it will be closely supervised when open. They will have fencing for security reasons anyway.

Russell Shaw, Director of the Recycling Center, said that the only reason they have litter problems now is that they are open all the time, there is unsupervised drop off, and their facility is not large enough to get all of their materials inside. The new building will take care of all of these problems.

Service asked if they plan to continue recycling glass, and Shaw said they won't be able to receive any materials until they get better situated, but in the future he would like to see them pick up glass to recycle along with newspapers. Having enough space is a step in the right direction.

Dilcher said she's also concerned about litter, but the Council should be considering the zoning of the area, and she thinks ML is appropriate in the area.

Ordinance 81-89 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Withdrawal of Ordinance 81-90 was then accepted by unanimous voice vote. Petitioner requested withdrawal.

ORDINANCE 81-90 Amend  
Zoning - withdrawn

Olcott moved and Dilcher seconded a motion to introduce and read Ordinance 81-85 by title only.

ORDINANCE 81-85  
Amend BMC re: Refuse  
and Weed Removal

Clerk Connors read Ordinance 81-85 by title only.

Olcott moved and Porter seconded a motion to adopt Ordinance 81-85.

Porter read the legislative synopsis and gave the committee report with a Do Pass recommendation of 4-0-3.

Service moved and Murphy seconded a motion to amend the ordinance to allow an appeal procedure to the Board of Public Works before a lien is attached to the property. She said this is to avoid situations where people are "hassled by crabby people or the police".

Hogan asked if this amendment would hinder enforcement of the ordinance, and Council Attorney France Komoroske said City Attorney Bill Finch was more concerned about lack of enforcement rather than an excess of enthusiasm. He felt it would be a road block to enforcement, and she noted that the Council has always had this on the books and this is not the part of the Code that is being amended.

Allison said that she didn't think the amendment was necessary, and said lack of enforcement is the problem.

Towell said if someone is being harrassed then the individual Councilmembers can intervene to assist them.

The amendment was then defeated by a roll call vote of Ayes: 2 (Murphy and Service), Nays: 6.

Ordinance 81-85 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

The following ordinances were then introduced for first reading by title only by Olcott and seconded by Dilcher.

Ordinance 81-94 To Amend the 1980 and 1981 Salary Ordinances for Utilities Employees to Add the Positions of Plant Service Mechanic and Chief Operator

Ordinance 81-78 To Amend the BMC re: Pedestrian Crossings, Two-Hour Parking Zones, and No Parking Zones

Ordinance 81-96 Budget Transfers

Ordinance 81-95 Annexation of 141 Acres Bordered Approximately by S. Walnut, Illinois Central Gulf RR, Hillside Drive and Country Club Drive

Ordinance 81-93 To Amend the BMC re: Emergency Removal and Impoundment of Vehicles

Ordinance 81-86 To Amend Chapter 15.60 of the Bloomington Municipal Code, Entitled "Abandoned Vehicles"

FIRST READINGS  
Ordinance 81-94  
Ordinance 81-78  
Ordinance 81-96  
Ordinance 81-95  
Ordinance 81-93  
Ordinance 81-86

Olcott moved and Dilcher seconded a motion to approve the minutes of September 16, 1981 as submitted. Motion carried by unanimous voice vote.

MINUTES FOR APPROVAL:  
9/16/81

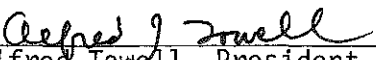
The meeting was then adjourned at 10:35 p.m.

ADJOURNMENT

MINUTES APPROVED this 21<sup>st</sup> day of October, 1981.

APPROVE:

ATTEST:

  
Alfred Towell, President  
Bloomington Common Council

  
Nora Connors, City Clerk