

AGENDA
COMMON COUNCIL
REGULAR SESSION
MAY 15, 1980, 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 80-39 To Amend Zoning re:
514 W. Second Street from SM to BL (Stolberg, Owens et al)
Committee Report: No committee reports
 2. Ordinance 80-41 To Amend Zoning re:
Int. of W. 17th and SR 37 Bypass from MQ to ML (Stonebelt)
 3. Ordinance 80-43 To Amend Section 15.76.010, Entitled "Stop Intersections"; and Section 15.64.410, Entitled "No Parking Zones", of the Bloomington Municipal Code
 4. Ordinance 80-19 To Repeal Section 2.04.290 and Amend Subsection 2.04.380(a) of the Bloomington Municipal Code, Regarding Fiscal Impact Statements
- VII. INTRODUCTION OF ORDINANCES FOR FIRST READING
 1. Ordinance 80-46 Budget Transfer
re: Controller's Office
 2. Appropriation Ordinance 80-5 To Appropriate Funds from the Local Road and Street Special Fund
re: Pedestrian Overpass Study, 10th & Bypass
 3. Ordinance 80-44 To Amend the 1980 Salary Ordinance to Reallocate the Position of Assistant Street Superintendent
 4. Ordinance 80-45 To Amend the 1980 Salary Ordinance for Utilities Employees to Reallocate the Position of Assistant Distribution Superintendent
 5. Ordinance 80-49 To Amend Zoning re:
re: To approve amended outline plan for Whitehall K-Mart -
deletion of left-turn lane
- VIII. MINUTES FOR APPROVAL: May 1, 1980
- IX. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on May 15, 1980, with Councilpresident Allison presiding over a regular session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MAY 15, 1980, 7:30

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

ROLL CALL

Murphy congratulated the City on the successful completion of negotiations with the police and added that he hopes a settlement is worked out with firefighters soon. Second, he said it is time that the PCB sludge at Winston-Thomas plant be removed and shipped elsewhere - and the sooner the better.

MESSAGES FROM
COUNCILMEMBERS

Olcott commended the City's negotiating team on reaching an unprecedented four-year agreement with the Police.

Service announced that it is National Historic Preservation Week. Bloomington Restorations will support recent efforts to initiate the floating of a bond in 1981 for renovation of the courthouse. She commented that Bloomington residents are Monroe County residents as well, and that they should take an active interest in the fate of the courthouse.

There were no messages from the Mayor.

MAYOR'S MESSAGE

There were no petitions or communications.

Olcott moved and Murphy seconded a motion to introduce and read Ordinance 80-39 by title only.

PETITIONS & COMM.
SECOND READINGS
ORDINANCE 80-39
To Amend Zoning re:
514 W. 2nd from SM
to BL (Stolberg)

Clerk Connors read Ordinance 80-39 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-39. Allison read the legislative synopsis and noted that since there was no committee meeting held, there are no committee reports.

Tim Mueller, Planning Director, gave a presentation to the Council. He explained that the property would be rezoned from SM to BL and is located at 514 W. Second Street near the intersection of Rogers. The area is surrounded by a variety of commercial and residential uses. The hospital owns the land south of Second Street and there is a medical equipment supply store and a city park to the west. East of the parcel is a gas station and one residence with further commercial development. SM is a zone that may be used only for medically related purposes (this includes gift and flower shops). The hospital is located directly in the middle of the large SM zone and there is room for expansion of their facilities and related uses. The Plan Commission voted in favor of the request after a great deal of discussion concerning the continuing chipping away of the SM zone. Roland Kohr of the hospital appeared at the Plan Commission meeting to say that they are not opposed to this rezoning per se; they are just concerned with the pattern developing here. He noted that SM uses are permitted in higher density business zones in any case. The hospital has said that they are not interested in purchasing any land north of Second Street but they really don't like more spot zoning in the area. The Plan Commission appreciated their concern, but decided that they would consider each request individually, particularly since the hospital wasn't interested in the land. Another consideration of the Commission was that the area is not clearly an SM zone on Second Street but they didn't want to blanket zone the entire area business.

Service asked which direction the hospital could expand in and Mueller answered to the east of Rogers and south of Second Street.

Towell asked if they had heard from any area doctors concerning this request and Mueller answered no, perhaps because they are allowed to have offices in business zones.

Allison said that it appears that SM zones are being used up for other purposes. She asked where the SM zone could be extended.

Tim Mueller responded that if good plans came up, the SM zone could probably be extended into residential zones, particularly those to the south.

Morrison said he didn't think the residents west of the hospital would be as open to SM zones as would those to the south.

Eric Stolberg, petitioner, remarked that the area will be developed soon, and Geoff Grodner added that the site plan has already been approved by the Plan Commission.

Ordinance 80-39 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-41 by title only.

Clerk Connors read Ordinance 80-41 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-41. Allison read the legislative synopsis.

Towell explained that he has a potential conflict of interest on this ordinance since he serves on the Board of Directors for Stonebelt. He asked that he be excused from discussion and that someone be nominated to replace him on this vote.

Olcott moved and Morrison seconded a motion to approve the appointment of Harry Day to fill Towell's seat during discussion and vote of Ordinance 80-41. Motion carried by unanimous voice vote.

Tim Mueller explained that the area is at the corner of 17th and Crescent Drive near Vernal Pike with the western boundary fronting on 37 Bypass. The area is now zoned MQ with RS to the east and MQ across the Bypass. This is one of the three areas zoned MQ in the City's planning jurisdiction, noting that there are many quarries in the area. The proposed storage and recycling operation will require a rezoning and an ML zone is the most restrictive zone that would be appropriate. The only questions raised by the Plan Commission concerned the lack of adequate sewer facilities, but these problems will be worked out during site plan review. The most probable solution is to use a force main, but the Plan Commission has requested that this site plan come back to them for review instead of going through the normal channels of staff review only.

Allison asked if the facility will be shielded from view from the bypass. Mueller answered no, mainly because there are no residences across the bypass.

Geoff Grodner, attorney for the petitioner, added that Stonebelt plans to warehouse the entire operation under one roof with a plan that will enable enlargement as needed. Additional recycling uses are possible in the future, but these plans are tentative.

Al Towell, Vice-President of the Stonebelt Board, added that they hope to make the building large enough in the first place to keep all of the materials inside and out of view.

Olcott commented that the current Stonebelt facility has really looked bad in the past. Towell responded that the area is fairly isolated and that they plan to address any concerns there may be about sanitation problems.

ORDINANCE 80-41
Amend Zoning re: Int.
of W. 17th and SR 37
Bypass from MQ to
ML (Stonebelt)

Service asked if screening will be provided if a recycling program is started at the new site in the future. Grodner answered that it may not be desirable then. The third phase of the development involves residential centers on the site; screening would probably be considered at that time.

Allison said she thinks it is very important that all utilities questions be taken care of before final approval is granted during the site plan stage.

Ordinance 80-41 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-43 by title only.

ORDINANCE 80-43
To Amend BMC re:
Stop Intersections
and No Parking Zones

Clerk Connors read Ordinance 80-43 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-43. Allison read the legislative synopsis and the report from the Traffic Commission.

Steve Hogan spoke to the request for No Parking on Swain, stating that there are severe visibility problems with the present situation. He said it is very important for safety reasons that the new ordinance be enforced strictly if it is adopted.

Service asked where area residents will park, and Hogan answered that the only problem is with people parking for the pizza restaurant. There is adequate space for residents.

Allison asked if they could use the lot behind the building and Hogan answered yes.

Porter questioned placing a stop sign on Buick-Cadillac Drive since this will be a through street when Clarizz Boulevard is extended with the expansion of College Mall.

Porter moved and Murphy seconded a motion to divide the question to separate Sections I and II. Motion carried by unanimous voice vote.

Porter moved and Morrison seconded a motion to adopt Section I. Motion carried by a vote of Ayes: 8, Nays: 1 (Service).

Towell moved and Porter seconded a motion to table Section II until further explanation can be provided. Motion carried by a vote of Ayes: 9, Nays: 0. Ordinance 80-43 was then adopted as amended by a vote of Ayes: 8, Nays: 1 (Service).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-19 by title only.

ORDINANCE 80-19
To Repeal Section
2.04.290 and Amend
Subsection 2.04.380(a)
of the BMC, re: Fiscal
Impact Statements

Clerk Connors read Ordinance 80-19 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-19. Allison read the legislative synopsis.

Olcott, sponsor of the ordinance, addressed the Council. He said that he waited a while to bring this ordinance up since he wanted the new Council to take a good look at fiscal impact statements. He contended that a lot of time is spent by departments compiling figures that really don't mean anything. He continued that if Councilmembers want a statement on a particular ordinance, they can request one, but to require them for each ordinance is ridiculous. He noted that City Controller Pat Gross supports the ordinance.

Morrison agreed but said that the administration needs to start taking a closer look at the cost of annexations. He said that the City annexes "like an octopus" and that they need to start promoting development in a more orderly manner.

Allison agreed that information can be obtained on request and asked John DeWitz to speak concerning how soon it will be before the City's computer can supply detailed information on certain types of ordinances, such as annexations.

John DeWitz answered that several departments are now using the computer and it is only a matter of time before this information can be supplied by the computer.

Towell said he thought it was very helpful to have fund balances attached to ordinances.

Murphy said that until the information is on the computer the fiscal impact statement requirement should stand. He said he would be willing to offer an amendment that if there is no fiscal impact, no statement would be required.

Allison said that the Council has that option now if the ordinance is interpreted more leniently. By a two-thirds vote the Council can request a statement.

Hogan said he would like fiscal impacts on legislation with major impact, but he thinks most of the statements are pretty useless.

Towell contended that if the procedure is stopped, the Council may not keep a sharp enough eye on this and they may miss some ordinances that should have an impact statement.

Service said that minor impacts are important too, and that the Council may not know enough to ask for a statement.

Ordinance 80-19 was then defeated by a roll call vote of Ayes: 3, Nays: 6 (Allison, Towell, Morrison, Murphy, Dilcher and Service).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-46 by title only.

Clerk Connors read Ordinance 80-46 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 80-5 by title only.

Clerk Connors read Appropriation Ordinance 80-5 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-44 by title only.

Clerk Connors read Ordinance 80-44 by title only and Allison read the legislative synopsis.

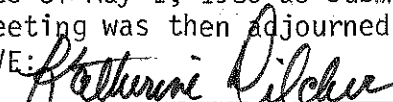
Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-45 by title only.

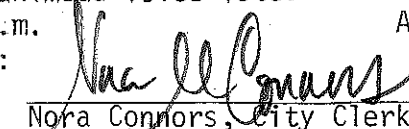
Clerk Connors read Ordinance 80-45 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-49 by title only.

Clerk Connors read Ordinance 80-49 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to approve the minutes of May 1, 1980 as submitted. Unanimous voice vote. The meeting was then adjourned at 8:40 p.m.

APPROVE: 
K. Dilcher, President Pro-Tem
APPROVED June 5, 1980

ATTEST: 
Nora Connors, City Clerk

FIRST READINGS
ORDINANCE 80-46
Budget Transfer-
Controller's Office

APP. ORDINANCE 80-5
From LR&S Fund for
Pedestrian Overpass
Study - 10th & Bypass

ORDINANCE 80-44
Amend 1980 Salary Ord.
re: Assistant Street
Superintendent Position
Reallocation

ORDINANCE 80-45
Amend 1980 Salary Ord.
re: Asst. Distribution
Superintendent - Utilities
Department

ORDINANCE 80-49
Amend Zoning re: To
Amend Whitehall K-Mart
Outline Plan

MINUTES: 5/1/80

ADJOURNMENT