

AGENDA
COMMON COUNCIL
JUNE 19, 1980, 7:30 P.M.
REGULAR SESSION
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. VOTE ON JULY MEETING SCHEDULE
- VI. LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS
 1. Appropriation Ordinance 80-6 To Appropriate Funds from Parking Meter Fund to Police Department and Board of Public Works and from Parks and Recreation Fund
Committee Report: Do Pass 7-0
 2. Ordinance 80-54 Budget Transfers
re: Human Resources Department and Fleet Maintenance
Committee Report: Do Pass 6-1
 3. Ordinance 80-48 To Amend the 1980 Salary Ordinance to Create the Position of Project Director, Child Care Assistance Program, Human Resources Department
Committee Report: Do Pass 7-0
 4. Ordinance 80-52 To Amend BMC re: Stop Intersections
re: Auto Mall Road to stop for Buick-Cadillac Boulevard
Committee Report: Do Pass 7-0
 5. Ordinance 80-53 To Amend BMC re: Hourly Charge--Restrictions on Certain Lots and Annual Parking Permits
re: Removal of Fourth and Washington lot four-hour parking restriction for those with parking permits
Committee Report: Do Pass 3-1-3
 6. Ordinance 80-51 To Amend Chapter 6.08 of the Bloomington Municipal Code, Entitled "Cemeteries and Burials"
Committee Report: Do Pass 7-0
 7. Ordinance 80-30 To Amend Zoning Maps
re: 100 block of North Curry Pike from RH to BG
Committee Report: Do Pass 6-1-1 (April 9)
 8. Ordinance 80-49 To Amend Zoning Maps
re: Approval of amended outline plan for Whitehall Pike K-Mart
Committee Report: Do Pass 2-3-1
- VII. INTRODUCTION OF ORDINANCES FOR FIRST READING
 1. Appropriation Ordinance 80-7 To Appropriate Funds from Motor Vehicle Highway Funds
re: Street marking paint
 2. Ordinance 80-55 To Amend Zoning Maps re:
700 N. Walnut to delete portion of PCD designation
 3. Ordinance 80-26 To Repeal and Re-enact Title 10 of the BMC;
Entitled "Wastewater"
- IX. MINUTES FOR APPROVAL: June 5, 1980
- X. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on June 19, 1980 at 7:30 p.m. with Councilpresident Allison presiding over a regular session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JUNE 19, 1980

Councilmembers present: Morrison, Porter, Murphy, Dilcher, Olcott, Service, Hogan, Allison and Towell.

ROLL CALL

Councilmembers absent: None.

Councilpresident Allison read the agenda summation, noting that Ordinance 80-30 had been moved to the last item on the agenda at the request of the petitioner.

AGENDA SUMMATION

Service congratulated the new owners of the Red Cross House which will be moved to a different location to be used as a residence. She said this will result in a tremendous savings of energy and materials.

MESSAGES FROM
COUNCILMEMBERS

Murphy congratulated the City on their recent four-year agreement with the firefighters. He continued that some have said that the City has given the firefighters too much, but he felt that the rewards would be well worth it. He added that public safety is the most important city service. Second, he said he didn't agree with putting the barbed wire fence on Griffy Lake dam, stating that people should be allowed to use the land. If trash is the problem, then additional receptacles should be put out. Third, he said that the function of the Human Rights Commission will not be sacrificed for political ends. He said he speaks for the Mayor when stating that the reorganization of the Commission will not endanger the civil rights of Bloomington citizens.

Towell added that the reorganization of the Bloomington Human Rights Commission is not settled as far as he is concerned. He said the value of the HRC is that it is a fairly representative group of citizens brought together to help Bloomington solve their civil rights problems. Without a strong element of local participation, the proposal should be rejected. He said he is sure that the administration will not undermine this program if they have a strong commitment to human rights.

Morrison said that construction is once again underway on W. Tenth Street. He said that the recent incident was the first time that residents objected to planned improvements. He claimed that those that objected to the Tenth Street project were not representative of most westside residents and added that he was pleased that the Mayor promptly decided to go ahead with the project. The project will improve the westside tremendously by expediting the flow of traffic along with building pride in the residents through the improvement of Monroe Street. He ended by saying that there has been more than one hearing on the project and that there was plenty of time for suggestions or objections at that time.

There was no Message from the Mayor.

MESSAGE FROM MAYOR

There were no petitions or communications.

PETITIONS & COMM.

Olcott moved and Dilcher seconded a motion to revise the meeting schedule for July for Committee meeting on July 2, Council on July 10, Committee on July 23 and Council on July 31. Motion carried by unanimous voice vote.

VOTE ON JULY
MEETING SCHEDULE

Towell said he would like to see the Salary Ordinance hearing set earlier than the day before the deadline. There was some discussion concerning time available for meetings and the Council Attorney, France Komoroske, said she would check to see if this hearing had been scheduled during a regular Council meeting in the past.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 80-6 by title only.

APPROPRIATION
ORDINANCE 80-6
From Parking Meter
Fund to P.D. and
Bd. of Works and
from P&R Fund

Clerk Connors read Appropriation Ordinance 80-6 by title only.

Olcott moved and Morrison seconded a motion to adopt Appropriation Ordinance 80-6.

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

Appropriation Ordinance 80-6 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 80-54 by title only.

ORDINANCE 80-54
Budget Transfers
HRD and Fleet
Maintenance Dept.

Clerk Connors read Ordinance 80-54 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-54.

Murphy read the legislative synopsis and gave the committee report with a Do Pass recommendation of 6-1.

Service said she objected to the Human Resources section initially because it seemed that HRD was close enough to the Municipal Building to walk to their xeroxing over. She has since found out, however, that the current secretary is not physically able to do that much walking and she therefore withdraws her objection. She did suggest that they try to economize by making one trip a day only.

Ordinance 80-54 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 80-48 by title only.

ORDINANCE 80-48
To Amend the 1980
Salary Ordinance
to Create Position
of Child Care Assis-
tance Program Dir.,
Human Res. Dept.

Clerk Connors read Ordinance 80-48 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-48.

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

Olcott asked if this program is funded through a grant that the City applied for and Jan Wagner, Human Resources Director, answered yes. The program is now in its second year of operation. The title and responsibilities of the position have changed.

Ordinance 80-48 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 80-52 by title only.

ORDINANCE 80-52
To Amend BMC re:
Stop Intersections:
Buick Cadillac &
Auto Mall Road

Clerk Connors read Ordinance 80-52 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-52.

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

Towell said he is pleased that Councilmember Porter noticed that when the Council first considered this ordinance the ordinance read the opposite.

Ordinance 80-52 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 80-53 by title only.

Clerk Connors read Ordinance 80-53 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-53.

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

Towell, sponsor of the ordinance, said that it is really a very simple ordinance. When the ordinance to allow parking permits was adopted the idea was that permit holders could park in any City lot. This ordinance would not change the use of the lot much; it would allow permit holders to park there for longer than four hours which is the current limit on the Fourth and Washington lot. In the near future, he would like to discuss the possibility of re-evaluating the fine system for tickets, the cost of parking, etc. He said that this would allow permit holders to free up spaces for customers on the street in front of downtown businesses. As it is now, some people abuse the parking meter system by allowing tickets to be issued since they are only marginally more expensive than paying the meter all day. Higher ticket prices may address this, but this may help to keep them off of street spaces.

Hogan said his first reaction to the ordinance was that it really didn't matter too much, but when he called downtown merchants about it they had strong feelings but there was no one consensus. Employees would like to park there all day but some store owners felt that the lot should have some turn-over for their customer parking. He said perhaps there could be storage parking in the farthest corner of the lot.

Olcott said that permit holders can use all other lots. This lot is very good for the merchants and should have turnover. He said it is ironic that the merchants wanted the four-hour limitation a couple years ago but have changed their minds. He said he does not agree with the idea of getting tickets and paying them every day.

Towell repeated that this only deals with permit parking. Previously the lot was full because there was some police and fire parking in the lot. He added that most permit holders have the idea that they can park anywhere - and they should. Part of the new parking garage will also be used for permit parking. As it is now the lot is rarely full.

Service asked why city employees are allowed to park there and John Goss said that the Police Department would like to keep just a few spaces in the lot. Several spaces will be lost on the south side for a sidewalk. Olcott noted that the main objection seems to be city employees parking in the metered spaces in the Municipal Building lot.

Ordinance 80-53 was then adopted by a roll call vote of Ayes: 5, Nays: 4 (Morrison, Olcott, Service and Hogan).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-51 by title only.

Clerk Connors read Ordinance 80-51 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-51.

Murphy read the legislation synopsis and gave the committee report with a Do Pass recommendation of 7-0.

Ordinance 80-51 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

ORDINANCE 80-53
To Amend BMC re:
Removal of 4th &
Washington Lot four-
hour Parking Limit
for Parking Permit
Holders

ORDINANCE 80-51
To Amend BMC re:
Cemeteries and
Burials

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

ORDINANCE 80-49
To Amend Zoning Maps
re: Approve amended
K-Mart outline plan

Clerk Connors read Ordinance 80-49 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-49.

Murphy read the legislative synopsis and gave the committee report of a Do Pass recommendation by a vote of 3-2-1.

Tim Mueller, Planning Director, showed the proposal on the overhead projector. He explained that there are several phases to the plan with the K-Mart store being phase I. He explained the various entrances and exits. The Plan Commission approved a plan to have a partial left turn lane for west bound traffic and they thought the state would approve this. The state wanted a continuous turn lane instead which would require another twelve feet of pavement for the additional lane. They felt that if the lane was not continuous then inside traffic would have to swerve around turning traffic, creating a hazard. The state also added several other requirements, one being an overhead turning sign and a right turn lane for east bound traffic. The reason the developer has come back to the Council is that they have agreed to the state's improvements; the question is when they will have to build them. As it is now, they would be required to build the lane after construction of K-Mart is complete. They would like to propose, however, that the K-Mart strip center and a fast food restaurant at the front of the property be allowed before the lane is required. Their concerns are financial: they claim they cannot afford the lane until they get some income from the K-Mart property.

John Urbahns spoke to the Council on behalf of Whitehall Associates. He thanked the Council for working with them and for approving their EDC bonds. He said that they will fulfill their obligation to build the full lane but all of the improvements have added tens of thousands of dollars in costs to the project. He argued that there is very little relationship between traffic and low-generating traffic businesses.

Towell asked if they have allowed for additional space in the event that the bypass is expanded. Urbahns answered that he did not think that would happen for at least ten years and that he didn't think their development would interfere with it although he wasn't sure how much space they would need.

Morrison said the Council would be foolish not to require the full turn lane now since a very dangerous traffic situation could be created with traffic backing up very close to the bypass. His constituents on the west side think that this type of situation would cause an increase in accidents in the area.

Towell said that this area is already a heavily trafficked area even without more development. He would like to see the best traffic flow as soon as possible.

Urbahns said that they are operating under a rigid cost structure and that the extra improvements could hinder the development financially. He said he doesn't want to sound like he is threatening the Council with not going forward but they feel they should not be responsible for all improvements for existing traffic. Morrison added that the development will increase the traffic and that is why they should be responsible.

Towell said now is the time when the Council has the most leverage, noting that previous developers have not followed their plans as closely as they might have, e.g., landscaping at the College Mall.

Geoff Grodner, attorney for the petitioner, said that there is room for a lot of car stacking at the main entrance without interfering with the bypass. A City required traffic study gave a good outline of the present traffic situation and the City planners themselves didn't think the full lane was necessary and neither did those that conducted the traffic study. He claimed that on a ratio basis, they are making twice the improvements of the College Mall.

Porter asked about the timing of the different phases and Urbahns said that if development doesn't occur on the eight industrial acres to the west or in the mall itself then they are in over their heads. He said that development should occur within one year.

Allison asked about the cost of the improvements and Grodner said that the Council previously approved \$85,000 in improvements and the state added \$125,000 including the cost of the new lane which will be in the \$40,000 range. Murphy said the developer may be wise to build while it is cheaper than to build later with inflationary costs.

Service said she thinks that the lane should be there when the grocery store goes in. She said she understands that the petitioner plans to develop the entire area but with the economy lagging they may not be able to afford the lane in the future. She said the Council should get the full lane while they can.

Allison asked what would happen if nothing was built in five or ten years and Grodner answered that the lots will be developed quickly.

Allison said this plan got through the Plan Commission on a very close vote. Some that voted yes have now told her they would now vote no.

Ordinance 80-49 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 80-30 by title only.

Clerk Connors read Ordinance 80-30 by title only.

ORDINANCE 80-30
To Amend Zoning re:
100 N. Curry Pike
from RH to BG

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-30.

Murphy read the legislative synopsis and gave the committee report of Do Pass 6-1-1.

Tim Mueller explained the surrounding land uses and the proposal for a small commercial center. The rezoning seemed routine except for the remonstrance on the part of Cook, Inc. concerning storm drainage which would come onto their land. He noted that the intensity of use between RH and BG is not that significant and that they can still require storm water retention during site plan review. The Plan Commission recommended that the rezoning be approved.

Ted Najam, attorney for the petitioner, said that one of the stores will be a Nautilus fitness center. This will be convenient for lunch time use by employees of all the westside industries.

There was then a discussion concerning criteria that can be considered in a rezoning case. Mueller said that the Council can consider the impact on the community as far as adequacy of land, services, etc. but the legality of denying someone an allowed use of properly zoned land is questionable.

Ordinance 80-30 was then adopted by a roll call vote of Ayes: 9, Nays, 0.

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Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 80-8 by title only.

FIRST READINGS
APPROPRIATION
ORDINANCE 80-7
From MVH Funds for
street marking

Clerk Connors read Appropriation Ordinance 80-8 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-55 by title only.

ORDINANCE 80-55
To Amend Zoning re:
700 N. Walnut to
delete part of PCD
designation

Clerk Connors read Ordinance 80-55 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-26 by title only.

ORDINANCE 80-26
To Repeal and Re-
enact Title 10 of
BMC, "Wastewater"

Clerk Connors read Ordinance 80-26 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to approve the minutes of June 5, 1980 as submitted. Motion carried by unanimous voice vote.


MINUTES FOR APPROVAL:
6/5/80

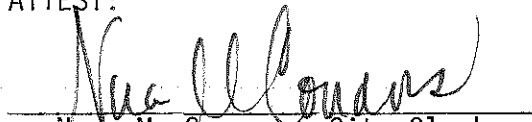
The meeting was then adjourned at 9:30 p.m.

ADJOURNMENT

APPROVE:

ATTEST:


Tomilea Allison, President
Bloomington Common Council


Nora M. Connors, City Clerk

Minutes approved this 10th day of July, 1980.

nmc