

AGENDA
COMMON COUNCIL
REGULAR SESSION
NOVEMBER 20, 1980, 7:30 P.M.
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. VOTE ON 1981 COUNCIL SCHEDULE
- VI. PETITIONS AND COMMUNICATIONS
- VII. LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS
 1. Ordinance 80-50 To Amend Zoning re: SE corner of SR 46 Bypass and E. Tenth Street from RH to BL and RH/PCD (Gates)
Committee Report: None, appeal of Council's vote to deny
 2. Ordinance 80-88 To Create a Bloomington Community Arts Commission
Committee Report: None, continued at 11/6 meeting
 3. Resolution 80-26 Inducement Resolution for EDC Bonds for Nunn Development
Committee Report: Do Pass 8-0
 4. Ordinance 80-93 To Supplement Ordinance 80-78 Authorizing EDC Bonds for I.U. Retirement Community
Committee Report: Do Pass 8-0
 5. Resolution 80-29 Inducement Resolution for EDC Bonds for Empire Energy Corporation
Committee Report: Do Pass 6-1-1
 6. Resolution 80-27 To Authorize the Filing of an Application for a Grant under Section 18 of the Urban Mass Transportation Act of 1964, as Amended
Committee Report: Do Pass 7-1
 7. Ordinance 80-95 To Establish a Procedure for Selling and Leasing Surplus Real Property Owned by the City of Bloomington
Committee Report: Do Pass as Amended 9-0
 8. Ordinance 80-92 To Amend Sections 12.04.070 and 12.04.080 of the Bloomington Municipal Code, Concerning Snow Removal
Committee Report: Do Pass 9-0
- VIII. INTRODUCTION OF ORDINANCES FOR FIRST READING
 1. Ordinance 80-97 Budget Transfers
 2. Appropriation Ordinance 80-13 To Appropriate Funds from FRS-Transit
 3. Ordinance 80-98 To Approve EDC Bonds for B.F. Goodrich Company
 4. Ordinance 80-90 Annexation of Adjacent and Contiguous Territory - Arlington Valley Mobile Home Court
 5. Ordinance 80-103 To Amend BMC re: No Parking Zones and Two-hour Parking Zones
 6. Ordinance 80-96 To Amend Zoning re: First and Walker Streets (one block area) from RS to SM (Plan Commission).
 7. Ordinance 80-89 To Amend Zoning re: 315 W. Gordon Pike from RS to RL/PUD (Patton)
 8. Ordinance 80-101 To Designate Property Located at 508, 514 and 522 N. Washington as Historic
 9. Ordinance 80-100 To Amend Zoning re: 200-203 E. Third Street from SI to BG (Curry)
 10. Appropriation Ordinance 80-10 To Appropriate Funds for the 1981 Utilities Water and Wastewater Budgets
 11. Ordinance 80-71 1981 Utilities Department Salary Ordinance
 12. Ordinance 80-99 To Amend BMC to Raise the Salary of USB Members in 1981
- IX. MINUTES FOR APPROVAL: November 6, 1980
- X. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on November 20, 1980 with Councilpresident Allison presiding over a regular session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
NOVEMBER 20, 1980

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

ROLL CALL

Councilpresident Allison read the agenda summation.

AGENDA SUMMATION

Morrison said the new K-Mart on Whitehall Pike opened today and the people in the area are happy to see a shopping center close by.

MESSAGES FROM
COUNCILMEMBERS

Service commended Bloomington Restorations for their tour and presentation of the Shower's Factory. They made public a study on the potential use of the building which includes a wide variety of offices, residences, shops, etc.

Allison thanked the Garden Interest Group of the Women's Department for donating a large oak at the corner of Fifth and Lincoln and added that the City has planted several blocks with trees on Lincoln. She urged citizens to consider donating trees to be planted for any special occasion. She then noted that the committee meeting will be held next Tuesday instead of Wednesday. Also, Ordinance 80-93 re: EDC Bonds was withdrawn.

There was no message from the Mayor.

MESSAGE FROM MAYOR

There was a short discussion concerning the early 1981 meeting schedule. All meetings will be held on Wednesday's through March in order to avoid conflicts with I.U. Basketball games. Service stated her ideological opposition to changing meeting dates for this purpose. The meeting schedule was then informally approved.

There were no petitions or communications.

PETITIONS & COMM.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-50 by title only.

ORDINANCE 80-50
Amend Zoning re:
SR 46 Bypass & E.
10th St. from RH
to BL and RH/PCD
(Gates)

Clerk Connors read Ordinance 80-50 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-50.

Service read the legislative synopsis and noted that there is no committee report since this is being appealed to the Council by the petitioner.

Tim Mueller gave a summary of the ordinance, stating that it involves a 3.4 acre tract of land at the SE corner of E. Tenth Street and 46 Bypass being rezoned (front 75%) from RH to BL with a PCD overlay on the entire site. They propose low-traffic intensity uses with no more than one upper floor residential dwelling unit. From one to five buildings are proposed and provisions will be taken for storm water retention. The Plan Commission reviewed this case again after denial by the Common Council and voted once again to approve it although Jeff Fanyo changed his vote from yes to no because he did not think a minority of the Council should be able to enact legislation.

Council Attorney France Komoroske explained that the Merrillville case was decided in 1978 and most people agreed that the decision was not a wise one but until the law is changed the Council is bound. This case provided that it takes a super-majority of the Council to override the Plan Commission since the Commission is supposed to have more expertise. IACT proposed changing the law but the legislature didn't act on it last year.

Allison commended City Engineer Jeff Fanyo for changing his vote and voting against the rezoning because he believed elected officials should be able to make the final decision.

There was a short discussion concerning the Plan Commission vote and Towell commented that the law will be overturned sooner or later but the petitioner is within the law now.

Rona Jenkinson of Park Ridge said the Council should not approve spot zoning and requested that the waiver granted to the petitioner to allow him to build stores larger than 3,000 square feet be reconsidered. She said the land is not appropriate for stores this large, particularly since the use of the land may change in the future, even though Mr. Gates has an attractive development plan.

Christie Burchfield said that the residents of the nearby married housing complexes are worried about the increased traffic danger for school children. She argued that commercial developments should not be built across from schools, especially when their driveway lines up to the driveway at the school.

Freida Hengeveld, President of the I.U. Student Council, said she was elected to represent the people in her area and she thought the Council should seriously consider the concerns of the 3,000 residents in married housing.

Dilcher moved and Murphy seconded a motion to amend the ordinance to retract the variance limiting store sizes to 3,000 feet.

Allison noted that the petitioner would have to go along with the amendment for it to be adopted along with seven votes of the Council.

There was then a discussion concerning the number of Council votes needed to amend the outline plan with Council Attorney France Komoroske stating that the Code specifies that the petitioner must go along with any amendments but there is nothing in state statute about what is required for an amendment. There was general agreement that it would take seven votes to pass any amendments.

Grodner said they would not go along with an amendment since Gates' office itself will be 6,000 square feet.

The amendment motion was then withdrawn.

Ordinance 80-50 was then adopted by a roll call vote of Ayes: 5, Nays: 4 (Murphy, Dilcher, Service and Allison).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-88 by title only.

ORDINANCE 80-88
To Create a
Community
Arts Commission

Clerk Connors read Ordinance 80-88 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-88.

Service read the legislative synopsis and noted that this was postponed from the November 6 meeting so that amendments could be considered.

Towell moved and Service seconded a motion to amend the ordinance concerning appointments so that the the Bloomington Area Arts Council would have two appointments instead of one and a new appointment would be added by the Chamber of Commerce.

Amendment was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-88 as amended. Motion carried by a vote of Ayes: 9, Nays: 0.

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

RESOLUTION 80-26
Inducement for EDC
Bonds for Nunn
Development Corp.

Clerk Connors read Resolution 80-26 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 80-26.

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

Geoff Grodner, attorney for the petitioner, Ken Nunn, explained that this involves a piece of land at the NE corner of Fourth and Walnut and Mr. Nunn plans to construct a 13,200 square foot office building. The bonds will be for a maximum of \$800,000 and several new people will be hired in his office. There will be 30 feet along the alley for parking.

Resolution 80-26 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 80-29.

RESOLUTION 80-29
Inducement for EDC
Bonds for Empire
Energy Corp.

Clerk Connors read Resolution 80-29 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 80-29.

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

Ted Najam, attorney for the petitioner, detailed the proposal. The plant will produce anhydrous ethanol alcohol for fuel along with the agricultural byproducts on a 25 acre piece of land across from Dillman Road. Forty new jobs will be created with an annual payroll of \$500,000. The Economic Development Commission and the County Council have approved the resolution and they will soon be going before the County Plan Commission and Board of Zoning Appeals. The land is currently zoned for manufacturing uses.

Murphy asked how many of the new employees would be residents from the Padanaram community, and Najam replied that many are the same people affiliated with Empire Wood Company, which is not run by people from Padanaram.

Olcott said he voted against the resolution in committee because of his concern over whether the project would be exempt from local and federal tax rolls, but Najam has assured him that they would not.

Towell said he does not have a good opinion of Padanaram, particularly because of their treatment of women. He asked if there will be any women with real ownership and Najam replied that they have an alternative life style but there are female full-partners who are free to participate. Rolfe Coons, petitioner, added that 45% of the partners of Empire Wood are women and many of the stockholders will be women. Najam noted that they will be subject to Title 7 of the Civil Rights Act just as anyone else.

Dilcher asked about the sawdust used in the plant and Coons replied that three semi-truck loads full will cross Highway 37 from the wood mill to the plant.

Resolution 80-29 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 80-27 by title only.

Clerk Connors read Resolution 80-27 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 80-27.

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

Hogan explained that he voted no because the cost of the wheel-chair equipped busses is disproportionate to service provided. He said it would be cheaper to buy a separate bus to use for the handicapped.

Resolution 80-27 was then adopted by a roll call vote of Ayes: 8, Nays: 1 (Hogan).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-95 by title only.

Clerk Connors read Ordinance 80-95 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-95.

Service read the synopsis and gave the committee report with a Do Pass recommendation of 9-0 as amended. She then moved and Towell seconded a motion to amend Ordinance 80-95 in Section I, subsection (1) so that the approval of the Council will be necessary when properties are declared surplus rather than giving total responsibility to the Board of Public Works. Motion carried by a vote of 9-0.

Allison, sponsor of the Ordinance, said that this ordinance simply clarifies the procedure for sale of city real property.

Towell said it is very important that the Council be included in the process, stating that the substantive change is that the Board of Works is included at all since he believed that the Council had done it on their own in the past.

Council Attorney France Komoroske said she cannot find any record of that but the idea was to set up a procedure similar to the current statutes concerning City property, which is currently overseen by the Board of Works.

Morrison agreed that this is an important function and the Council should be involved.

Ordinance 80-95 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 80-92 by title only.

Clerk Connors read Ordinance 80-92 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-92.

Service read the legislative synopsis and gave the committee report with a Do Pass recommendation of 9-0.

RESOLUTION 80-27
To Authorize
Filing an Appli-
cation for a
Transit Grant

ORDINANCE 80-95
To Establish a
Procedure for
Selling/Leasing
City Real Prop-
erty

ORDINANCE 80-92
To Amend BMC re:
Snow Removal

Allison said that the Human Resources Department's Volunteer Action Center will coordinate a program where volunteers will be recruited to assist clearing the sidewalks of those who are handicapped or who cannot afford to pay someone.

Service asked if it will cover I.U. property and Komoroske said that the City can't regulate a state institution, but if they have sidewalks along a public right-of-way they will be responsible for clearing them.

Allison suggested that City/I.U. Liaison Harry Yamaguchi be contacted to be sure something is worked out.

There was then a lengthy discussion concerning confusing wording, with Towell stating that the ordinance is still vague about whether people have to shovel after there is any accumulation or after snow has ceased to fall. He suggested that snow be allowed to accumulate to a particular depth instead. Komoroske said that this ordinance lengthens the time people have to clear their sidewalks from eight to twenty-four hours and noted that the City recommended that people wait until the snow plows have gone by to avoid having the snow piled back up on their sidewalks.

Murphy said the City is not trying to put an undue hardship on people but there are certain civic duties and responsibilities to fellow citizens that are really not that difficult to fulfill. He said the whole thing has been blown out of proportion. Towell said the snow removal program is vastly overrated and overfunded program because Bloomington just doesn't have that much snow. Komoroske said they looked at many different ordinances from around the country and they are open to any suggestions for improvements.

Olcott asked how they decide who will get tickets for violating the ordinance and City Attorney Bill Finch said they concentrate on areas that handle a lot of pedestrian traffic as well as complaint basis. Contrary to what some believe, they do not know who owns buildings before they give tickets - they have to go to the Courthouse afterwards to determine who owns them.

Allison said that the Council should consider the people that this ordinance is for - pedestrians. It is very dangerous to walk on icy sidewalks and people often fall and break bones. People have been shoveling their sidewalks for generations so that there is a public thoroughfare for walkers. Olcott agreed, but said it should be enforceable and clear-cut so that it doesn't get thrown out of court like the last one did.

Morrison said the ordinance is too vague and that there will be problems with people that have legitimate excuses such as being on vacation. He said most sidewalks are cleared now and that the Council is over-reacting, particularly since the snow plows keep putting the snow back up on the sidewalks.

Mr. McGlowan said it will be inconvenient for those with many properties to get them all cleared within twenty-four hours. He said many places never clear their sidewalks.

Ordinance 80-88 was then adopted by a roll call vote of Ayes: 8, Nays: 1 (Morrison).

Olcott moved and Morrison seconded a motion to introduce and read the following Ordinances by title only. The Clerk read each by title only and Allison read the legislative synopsis.

INTRODUCTION
OF FIRST
READINGS

Ordinance 80-97, Budget Transfers
Appropriation Ordinance 80-13 Funds from FRS to Transit (and asked for comments)
Ordinance 80-98 To Approve EDC Bonds for B.F. Goodrich
Ordinance 80-90 Annexation of Adjacent and Contiguous Territory - Arlington Valley Mobile Homes
Ordinance 80-103 To Amend BMC re: No Parking, 2-Hour Parking
Ordinance 80-96 To Amend Zoning, 1st & Walker RS to SM
Ordinance 80-89 To Amend Zoning, 315 W. Gordon Pike RS to RL/PUD
Ordinance 80-101 To Designate 508, 514 and 522 N. Washington as Historic
Ordinance 80-100 Amend Zoning, 200-203 E. 3rd SI to BG
Appropriation Ordinance 80-10 1981 Utilities Budget
Ordinance 80-71 1981 Utilities Salary Ordinance
Ordinance 80-99 Amend BMC to Raise USB Salaries

Olcott moved and Morrison seconded a motion to adopt the minutes of November 6, 1980 as submitted. Motion carried by unanimous voice vote.

MINUTES FOR
APPROVAL:
11/6/80

The meeting was then adjourned at 9:40 p.m.

ADJOURNMENT

MINUTES APPROVED this 7th day of January, 1981.

APPROVE:

ATTEST:


Patrick Murphy, President Pro-Tem
Bloomington Common Council


Nora M. Connors
City Clerk