

REVISED 1/17/79 TO 111
118

AGENDA
COMMON COUNCIL
APRIL 5, 1979, 7:30 p.m.
REGULAR SESSION
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. PETITIONS AND COMMUNICATIONS: Cable TV Theft of Service Plan Endorsement
- VI. LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS
 1. Resolution 79-11 Encomium for Gary Barrow, Street Superintendent
 2. Ordinance 79-22 To Amend Zoning Maps
re: 304 and 310 W. 2nd Street and 510 S. Morton SM to BL
Committee Report: Community Development & Public Facilities
 3. Ordinance 79-13 To Amend Zoning Maps
re: 1600 N. Willis Drive, Arlington Valley Mobile Home Park as PUD
Committee Report: Community Development & Public Facilities
 4. Appropriation Ordinance 79-5 To Appropriate Funds from the Cumulative Capital, Federal Revenue Sharing, Local Road and Street and Parking Meter Funds
re: Mayor's Capital Improvement Plan
Committee Report: Community Development & Public Facilities
- VII. INTRODUCTION OF ORDINANCES FOR FIRST READING
 1. Ordinance 79-28 Salary Ordinance for Appointed Officers and Employees, To Fix the Salary of the Building Commissioner, Engineering Department
 2. Appropriation Ordinance 79-6 To Appropriate Funds from the General Fund to the Planning Department
 3. Ordinance 79-20 To Amend Zoning Maps
re: 2101 Vernal Pike from RS to ML and PCD
 4. Ordinance 79-21 To Amend Zoning Maps
re: SE corner of Country Club Road and Rockport Road as PUD
 5. Ordinance 79-23 To Amend Zoning Maps
re: SW corner of Thornton Drive and Park Street from RH to ML
 6. Ordinance 79-24 To Amend Zoning Maps
re: 722 W. Second Street from SM to BL
 7. Ordinance 79-25 To Amend Zoning Maps
re: 1201 W. Allen Street from (Parcel A) MG and RS to BL; (Parcel B) from MG and RS to RL
 8. Ordinance 79-26 To Amend Zoning Maps
re: 1208 W. Second Street from BG to ML
 9. Ordinance 79-27 To Amend Zoning Maps
re: 2801 S. Rogers Street RS to BL
 - * 10. Ordinance 79-30 To Amend Salary Ordinance
re: Sanitation Superintendent
- VIII. MINUTES FOR APPROVAL: March 22, 1979
- IX. ADJOURNMENT

The Common Council of the City of Bloomington met in regular session on April 5, 1979, in the Common Council Chambers in the Municipal Building and conducted the following business.

These minutes are a summary; cassette tapes are in the City Clerk's office.

ROLL CALL

PRESENT: Morrison, Towell, Young, Kinzer, Richardson, Olcott,
Middleton, Allison
ABSENT: Blume

There being eight (8) members present and one (1) member absent, and eight members representing a quorum, the session was officially opened by Councilpresident Tomilea Allison.

AGENDA SUMMATION

Councilpresident Allison announced that Ordinance 78-18 and Ordinance 79-19 were withdrawn by the petitioner Jim Wray and would not be included on the agenda as scheduled earlier. Allison also announced that Ordinance 79-12 concerning the College Mall expansion would be considered last at the next Council committee meeting because they anticipated discussion to be lengthy. She also mentioned that the Director of the City Planning Department, Tim Mueller, would be at the zoning site of the College Mall Expansion area on Monday the 9th to answer questions from any interested residents of Bloomington.

MESSAGES FROM COUNCILMEMBERS

Councilmember Olcott expressed regret that Jim Wray had withdrawn the ordinances to reorganize the Department of Public Works because he thought they were two good ordinances. He said also that he felt bad that a department head would feel intimidated by the Council and withdraw an ordinance that is in the best interest of the department functions.

Councilmember Richardson commended the efforts of WIRE radio and Channel 4 for airing the controversial show "ScaredStraight". He mentioned the open house at the Monroe County Youth Shelter would be open to the public Sunday the 8th of April and hoped everyone would attend.

Richardson said he felt Councilmembers should review all information that they could on the proposed Marble Hill Plant in light of the accident in Pennsylvania at Three Mile Island.

Richardson also encouraged the students of I. U. to vote by absentee ballot and reminded the public that the deadline for signing their children up for soccer is Monday the 9th.

Councilmember Kinzer commended the efforts of people out trying to register eighteen year olds to vote.

Kinzer said she was sorry that Jim Wray withdrew the ordinances. She said even though she had many questions about the reorganization she still voted in favor of them at the committee meeting. She expressed frustration that Mr. Wray had not discussed this with the Council before withdrawing the ordinances and stated that she would like to see these same ordinances come up again before the Council.

Councilmember Towell said he thought it was up to the Council to allow an Ordinance to be withdrawn.

Towell then spoke briefly about the untimely death of Bruce Ashby, his good friend and a candidate for City Council in Towell's second district. Towell remarked that Ashby's candidacy was the culmination of a long held ambition to hold public office and to be of service to his community.

Councilmember Morrison brought out problems in his district that concern the extreme western end of 8th Street. He said the people in that area have serious drainage problems and problems with cars blocking the road. Morrison said that in the past he has sent equipment to alleviate some of the drainage problems and people have denied the equipment access to their land and that he has sent policemen to the area to issue warning tickets to illegally parked cars. Morrison said now they have a petition signed by most of the surrounding property owners to give the city permission to handle their problems and to issue tickets to cars that will now carry a fine.

In the audience was Mrs. Vibbert, one of the property owners who signed the petition, and she asked if the piles of debris would be cleared in addition to the other problems mentioned.

Councilmember Morrison said that it would be taken care of and reminded the Councilmembers that this area was not only a city responsibility but also the responsibility of the county.

Councilmember Allison said that she knew and had worked with Bruce Ashby also and that he was a man of considerable talent and a person who worked to change the system in order to make life better for many people.

MESSAGE FROM THE MAYOR

Mayor McCloskey said that Bruce Ashby was one of the most personally and socially concerned individuals that he had ever met.

The Mayor then thanked the Parks Board for authorizing use of the Third Street Park for the community market.

McCloskey endorsed the Encomium for Gary Barrow, Street Superintendent and commended Mr. Barrow for being such a hard working person, especially during the snow removal times and said that in recognizing him, he is also recognizing the hard working people that were a part of Mr. Barrow's staff.

Councilmember Allison also thanked the Parks Board for allowing the community market to function another year.

PETITIONS AND COMMUNICATIONS

Barry Wilson, Vice-President of Horizon Communications, came before the Council to explain why his Cable T.V. Company was requesting endorsement from the Council for their Theft of Services action. He explained that many people were using the service of Cable T.V. without paying for it and that would directly affect the cost passed on to the consumer. Mr. Wilson said that they were advertising their new policy in the newspaper and offering a grace period for those people using their services illegally to purchase Cable T.V.

The consensus of the Council was that they would endorse the actions of Horizon Communications to penalize people using their services illegally.

LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS

RESOLUTION 79-11 ENCOMIUM FOR GARY BARROW, STREET SUPERINTENDENT

Councilmember Richardson moved and Councilmember Kinzer seconded the motion that RESOLUTION 79-11 be read by the Clerk in its entirety.

City Clerk Dolnick read the resolution in its entirety.

Councilmember Richardson moved and Councilmember Kinzer seconded the motion that RESOLUTION 79-11 be adopted by acclamation.

Councilmember Towell said that he was for commending Gary Barrow but that he was not sure that everything in the Encomium was true.

RESOLUTION 79-11 was then adopted by acclamation.

ORDINANCE 79-22 TO AMEND ZONING MAPS

RE: 304 and 310 W. 2nd Street and 510 S. Morton SM to BL
Committee Report: Community Development & Public Facilities

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-22 and read by title only.

City Clerk Dolnick read the ordinance by title only.

Councilmember Kinzer said that at the committee meeting everyone was satisfied that this was an appropriate use of the land.

Councilmember Richardson moved and Councilmember Morrison seconded the motion to adopt ORDINANCE 79-22.

ROLL CALL ON ORDINANCE 79-22

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Middleton, Allison

NAYS: None

There being eight (8) ayes and no (0) nays ORDINANCE 79-22 is adopted.

ORDINANCE 79-13 TO AMEND ZONING MAPS

RE: 1600 N. Willis Drive, Arlington Valley Mobile Home Park as PUD
Committee Report: Community Development & Public Facilities

Steve Smith from the Engineering Department read his department's recommendations. Smith said this zoning requires a solution to a watershed problem and that issue is handled in the Bloomington Municipal Code. He added that there is an established policy for the application of the Code.

Smith pointed out that the petitioners, the Rumples Brothers, were protesting the requirement of building a watershed pond on their property but because it is required by the Municipal Code, the Engineering Department was recommending it.

Mr. Rumples spoke from the audience and stated that he felt his project was being singled out and was expected to carry too much of the burden of the watershed problem in that area. He said he also felt that the Code had some deficiencies in its recommendations for solving watershed problems.

Councilmember Morrison said that the pond would be an eyesore and a home for mosquitoes. He added that the Rumples would be responsible developers and take care of any watershed problems.

Councilmember Kinzer said that the Council's job was to make sure that they did not repeat watershed problems the city has had in the past.

Councilmember Middleton said it is up to the Council to decide which parts of the Municipal Code are applicable to each particular zoning and moved that the requirement for the watershed pond be stricken from the recommendations.

Councilmember Towell seconded the motion.

Councilmember Richardson said that perhaps the Council should look at the Code and decide if it needs to be changed. He added that this would be a much better solution than granting an exemption for a particular zoning or giving selective treatment.

Councilmember Allison suggested that Council look at alternatives to solving this problem rather than voting now and going against the recommendations of the Planning and Engineering Departments and the Municipal Code.

ROLL CALL ON ELIMINATION OF WATERSHED POND FROM REQUIREMENTS

AYES: Morrison, Young, Olcott, Middleton
NAYS: Towell, Kinzer, Richardson, Allison

There being four (4) ayes and four (4) nays the motion fails without majority vote.

Councilmember Richardson moved and Councilmember Olcott seconded the motion to table ORDINANCE 79-13 until the next scheduled Council meeting.

ROLL CALL TO TABLE ORDINANCE 79-13

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Middleton, Allison
NAYS: None

There being eight (8) ayes and no (0) nays the motion carried.

APPROPRIATION ORDINANCE 79-5 TO APPROPRIATE FUNDS FROM THE CUMULATIVE CAPITAL, FEDERAL REVENUE SHARING, LOCAL ROAD AND STREET AND PARKING METER FUNDS

RE: MAYOR'S CAPITAL IMPROVEMENT PLAN
COMMITTEE REPORT: COMMUNITY DEVELOPMENT & PUBLIC FACILITIES

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce APPROPRIATION ORDINANCE 79-5 and read by title only.

City Clerk Dolnick read the ordinance by title only.

Councilmember Olcott read the legislative synopsis.

Councilmember Richardson moved and Councilmember Morrison seconded the motion to adopt ORDINANCE 79-5.

ROLL CALL ON APPROPRIATION ORDINANCE 79-5

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Middleton, Allison
NAYS: None

There being eight (8) ayes and no (0) nays APPROPRIATION ORDINANCE 79-5 is adopted.

INTRODUCTION OF ORDINANCES FOR FIRST READING

ORDINANCE 79-28 SALARY ORDINANCE FOR APPOINTED OFFICERS AND EMPLOYEES, TO FIX THE SALARY OF THE BUILDING COMMISSIONER, ENGINEERING DEPARTMENT

Councilmember Richardson moved and Councilmember Kinzer seconded the motion to introduce ORDINANCE 79-28 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

APPROPRIATION ORDINANCE 79-6 TO APPROPRIATE FUNDS FROM THE GENERAL FUND TO THE PLANNING DEPARTMENT

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce APPROPRIATION ORDINANCE 79-6 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

ORDINANCE 79-20 TO AMEND ZONING MAPS
RE: 2101 Vernal Pike from RS to ML and PCD

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-20 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

ORDINANCE 79-21 TO AMEND ZONING MAPS
RE: SE corner of Country Club Road and Rockport Road as PUD

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-21 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

ORDINANCE 79-23 TO AMEND ZONING MAPS
RE: SW corner of Thornton Drive and Park Street from RH to ML

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-23 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

ORDINANCE 79-24 TO AMEND ZONING MAPS
RE: 722 W. Second Street from SM to BL

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-24 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

ORDINANCE 79-25 TO AMEND ZONING MAPS
RE: 1201 W. Allen Street from (Parcel A) MG and RS to BL; (Parcel B) from MG and RS to RL

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-25 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

ORDINANCE 79-26 TO AMEND ZONING MAPS
RE: 1208 W. Second Street from BG to ML

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-26 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

ORDINANCE 79-27 TO AMEND ZONING MAPS
RE: 2801 S. Rogers Street RS to BL

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-26 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

ORDINANCE 79-30 TO AMEND SALARY ORDINANCE
RE: Sanitation Superintendent

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-30 and read by title only.

City Clerk Dolnick read the ordinance by title only and Council-president Allison read the legislative synopsis.

MINUTES FOR APPROVAL

Councilmember Richardson moved and Councilmember Young seconded the motion to approve the minutes of March 22, 1979 as submitted.

ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

APPROVE:



TOMILEA ALLISON, PRESIDENT
BLOOMINGTON COMMON COUNCIL

ATTEST:



KAREL BROWN DOLNICK, CITY CLERK

MINUTES APPROVED THIS 3 DAY OF May, 1979.

AGENDA
COMMON COUNCIL
APRIL 19, 1979
COUNCIL CHAMBERS

7:00 p.m. EXECUTIVE SESSION re: Personnel

7:30 p.m. REGULAR SESSION

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS: Human Rights Commission &
Commission on Status of Women
- VI. PETITIONS AND COMMUNICATIONS - Wayne Shepherd re: petition endorsement
- VII. LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS
 1. Ordinance 79-28 Salary Ordinance for Appointed Officers and Employees,
re: Fix Salary and Create Position of Building Commissioner
Committee Report: Community Development - Do Pass - Ayes: 6,
Nays: 0
 2. Ordinance 79-30 Salary Ordinance for Appointed Officers and Employees,
re: Fix Salary of Sanitation Superintendent
Committee Report: Community Development - Do Pass - Ayes: 7, Nays: 0
 3. Appropriation Ordinance 79-6 To Appropriate Funds from General Fund
to Plan Department
Committee Report: Community Development - Do Pass - Ayes: 7, Nays: 0
 4. Ordinance 79-20 To Amend Zoning Maps
re: 2101 Vernal Pike from RS to ML and PCD
Committee Report: Community Development - Do Pass - Ayes: 7, Nays: 0
 5. Ordinance 79-21 To Amend Zoning Maps
re: SE Corner of Country Club and Rockport Road as PUD
Committee Report: Community Development - Do Pass - Ayes: 7, Nays: 0,
Abstentions: 2 (Young and Allison)
 6. Ordinance 79-23 To Amend Zoning Maps
re: SW corner of Thornton Drive and Park Street from RH to ML
Committee Report: Community Development - Do Pass - Ayes: 8, Nays: 0
 7. Ordinance 79-24 To Amend Zoning Maps
re: 722 W. Second Street from SM to BL
Committee Report: Community Development - Do Pass - Ayes: 8, Nays: 0
 8. Ordinance 79-13 To Amend Zoning Maps
re: Arlington Valley Mobile Home Park as PUD
Council Action: Tabled at Council meeting of April 5
 9. Ordinance 79-12 To Amend Zoning Maps
re: SE corner of E. 3rd St. and College Mall Road as PCD
Committee Report: Community Development - Table Until May 3 -
Ayes: 4, Nays: 2 (Middleton and Olcott),
Abstentions: 2 (Allison and Towell)
- VIII. INTRODUCTION OF ORDINANCES FOR FIRST READING
 1. Ordinance 79-29 To Amend BMC re: Parallel Parking
 2. Ordinance 79-32 Budget Transfer for Board of Works
 3. Ordinance 79-34 To Amend Zoning Maps
re: 805 S. Madison from ML to BL
 4. Ordinance 79-35 To Amend Zoning Maps
re: NE corner of W. Allen and Adams Streets RS to ML
 5. Appropriation Ordinance 79-7 Funds from General Fund to Common Council
 6. Ordinance 79-31 To Repeal and Re-enact Title 9 of BMC, Entitled "Water"
- IX. MINUTES FOR APPROVAL: February 21 and March 5, 1979
- X. ADJOURNMENT

The Common Council of the City of Bloomington met in regular session on April 19, 1979, in the Common Council Chambers in the Municipal Building and conducted the following business:

COMMON COUNCIL EXECUTIVE SESSION WAS HELD PRIOR TO THE COUNCIL MEETING THIS DATE AT 7:00 RE: PERSONNEL

These minutes are a summary - a taped recording is on file in the City Clerk's office.

ROLL CALL

PRESENT: Morrison, Towell, Young, Richardson, Olcott, Blume, Middleton, Allison

ABSENT: None (Kinzer arrived late)

There being eight (8) members present and one (1) member absent and eight members representing a quorum, the session was officially opened by Councilpresident Allison.

AGENDA SUBMATION

Councilmember Morrison remarked that the new 7-11 grocery store on 11th Street enhanced the neighborhood.

Councilmember Richardson said that Stu McClure and his crew did an excellent job with the water office. Richardson added that he was sorry that Fred Horning was leaving the Community Action Program.

Councilmember Blume complimented Steve Smith and the Engineering Department on their solution to the drainage problem on Winfield Road. Blume said their project was not too expensive and was successful.

Blume also encouraged everyone to get out and help in the City clean-up project because the streets are full of sand and in horrible shape.

Councilmember Middleton reminded everyone of the Lake Study Committee of the Council scheduled for April 24, 1979, in the Conference Room to deal with problems with city property surrounding Lake Lemon.

Councilpresident Allison reminded everyone of the city clean-up project underway. Allison also spoke briefly about the controversial issues before the Council and asked the Council to deal rationally with the issues and to remember that the city has hired staff to provide professional services in regard to these issues.

MESSAGES FROM THE MAYOR

There were no messages from the Mayor.

APPOINTMENTS TO BOARDS AND COMMISSIONS

The Common Council made the following appointments to Boards and Commissions: Richard Randall was appointed to the Human Rights Commission and for the Commission on the Status of Women was Caroline Fasig, reappointed to a three year term; Karla Dyzenchouz, appointed to a three year term; and Robert Cabello, appointed to a one year term.

PETITIONS AND COMMUNICATIONS

Mrs. Belita C. Kennedy, advisor and spokesperson for the North Star Staff, the North High School newspaper, submitted and read before the Council a request to "go on record as supporting the efforts of many to recognize the great contributions of the late Noble Bush to the youth of Bloomington by naming the New Winslow Sports Complex for him or by naming one of the Babe Ruth fields for him."

PETITIONS AND COMMUNICATIONS (Con't)

Wayne Shepherd appeared before Council with a petition concerning the method of radioactive and toxic waste storage that is presently being stored inside the Old I.U. Stadium. The petition requests the state to reconsider their deletion of funds for a special storage building for these materials.

Councilmember Middleton said this problem is recognized by the University and will be handled by the University. He said the area was inspected by the Nuclear Commission and the State Board of Health. Middleton also said the materials were in small amounts that caused no hazard to the area and had low radioactivity after 6-8 months.

Wayne Shepherd said the storage area had broken windows and a rusted lock that could be pried open easily.

The petition was circulated among the Councilmembers.

LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS

ORDINANCE 79-28 SALARY ORDINANCE FOR APPOINTED OFFICERS AND EMPLOYEES
RE: FIX SALARY AND CREATE POSITION OF BUILDING COMMISSIONER

Councilmember Richardson moved and Councilmember Kinzer seconded the motion to introduce ORDINANCE 79-28 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read ORDINANCE 79-28 by title only.

Councilmember Richardson moved and Councilmember Morrison seconded the motion to adopt ORDINANCE 79-28.

Committee Chairman Olcott read the legislative synopsis and gave the committee report of a Do Pass recommendation.

Councilmember Kinzer said the position described in the Ordinance exists now but is being re-defined.

City Engineer, Steve Smith said it was part of the re-structuring of the department.

ROLL CALL ON ORDINANCE 79-28

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Blume,
Middleton, Allison
NAYS: None

There being nine (9) ayes and no (0) nays ORDINANCE 79-28 is adopted.

ORDINANCE 79-30 SALARY ORDINANCE FOR APPOINTED OFFICERS AND EMPLOYEES
RE: FIX SALARY OF SANITATION SUPERINTENDENT

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-30 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read ORDINANCE 79-30 by title only.

Councilmember Richardson moved and Councilmember Morrison seconded the motion to adopt ORDINANCE 79-30.

Committee Chairman Olcott read the legislative synopsis and gave the committee report of a Do Pass recommendation.

Councilmember Kinzer asked if the salary for the Sanitation Superintendent remained the same when CETA ends.

Council Attorney, Frances Komoroske, said it goes back to what it was before.

ROLL CALL ON ORDINANCE 79-30

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Blume,
Middleton, Allison
NAYS: None

There being nine (9) ayes and no (0) nays ORDINANCE 79-30 is adopted.

APPROPRIATION ORDINANCE 79-6 TO APPROPRIATE FUNDS FROM GENERAL FUND
TO PLAN DEPARTMENT

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce APPROPRIATION ORDINANCE 79-6 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read APPROPRIATION ORDINANCE 79-6 by title only.

Councilmember Richardson moved and Councilmember Kinzer seconded the motion to adopt APPROPRIATION ORDINANCE 79-6.

Committee Chairman Olcott read the legislative synopsis and gave the committee report of a Do Pass recommendation.

ROLL CALL ON ORDINANCE 79-6

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Blume,
Middleton, Allison
NAYS: None

There being nine (9) ayes and no (0) nays APPROPRIATION ORDINANCE 79-6 is adopted.

ORDINANCE 79-20 TO AMEND ZONING MAPS
RE: 2101 Vernal Pike from RS to ML and PCD

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-20 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read ORDINANCE 79-20 by title only.

Councilmember Richardson moved and Councilmember Middleton seconded the motion to adopt ORDINANCE 79-20.

Committee Chairman Olcott read the legislative synopsis and gave the committee report.

Councilmember Olcott said he thought this zoning change would provide the best use of the land due to the lack of sewers.

ROLL CALL ON ORDINANCE 79-20

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Blume,
Middleton, Allison
NAYS: None

There being nine (9) ayes and no (0) nays ORDINANCE 79-20 is adopted.

ORDINANCE 79-21 TO AMEND ZONING MAPS
RE: SE CORNER OF COUNTRY CLUB AND ROCKPORT ROAD AS PUD

Councilmember Richardson moved and Councilmember Kinzer seconded the motion to introduce ORDINANCE 79-21 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read ORDINANCE 79-21 by title only.

Councilmember Richardson moved and Councilmember Kinzer seconded the motion to adopt ORDINANCE 79-21.

Committee Chairman Olcott read the synopsis and gave the committee report with a Do Pass recommendation.

Councilmember Kinzer asked if there was a problem with drainage.

The Director of Planning, Tim Mueller said not really because some computations for drainage were required but that the developer was responsible.

ROLL CALL ON ORDINANCE 79-21

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Blume,
Middleton, Allison

NAYS: None

There being nine (9) ayes and no (0) nays ORDINANCE 79-21 is adopted.

ORDINANCE 79-23 TO AMEND ZONING MAPS
RE: SW CORNER OF THORNTON DRIVE AND PARK STREET FROM RH TO ML

Councilmember Richardson moved and Councilmember Kinzer seconded the motion to introduce ORDINANCE 79-23 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read ORDINANCE 79-23 by title only.

Councilmember Richardson moved and Councilmember Morrison seconded the motion to adopt ORDINANCE 79-23.

Committee Chairman Olcott read the legislative synopsis and gave the committee report which was a Do Pass recommendation.

ROLL CALL ON ORDINANCE 79-23

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Blume,
Middleton, Allison

NAYS: None

There being nine (9) ayes and no (0) ayes ORDINANCE 79-23 is adopted.

ORDINANCE 79-24 TO AMEND ZONING MAPS
RE: 722 W. SECOND STREET FROM SM TO BL

Councilmember Richardson moved and Councilmember Kinzer seconded the motion to introduce ORDINANCE 79-24 and read by title only. Voice Vote. So ordered.

Deputy City Clerk Lacewell read ORDINANCE 79-24 by title only.

Councilmember Richardson moved and Councilmember Morrison seconded the motion to adopt ORDINANCE 79-24.

Committee Chairman Olcott read the legislative synopsis and gave the committee report with a Do Pass recommendation.

ROLL CALL ON ORDINANCE 79-24

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Blume,
Middleton, Allison

NAYS: None

There being nine (9) ayes and no (0) nays ORDINANCE 79-24 is adopted.

ORDINANCE 79-13 TO AMEND ZONING MAPS
RE: ARLINGTON VALLEY MOBILE HOME PARK AS PUD

Councilmember Richardson moved and Councilmember Morrison seconded the motion to remove ORDINANCE 79-13 from the table. Voice vote. So ordered.

Committee Chairman Olcott read the legislative synopsis and gave the committee report from March 28, 1979 with a Do Pass recommendation.

Councilpresident Allison read from the memo to Councilmembers from the Council office about the modification plan proposed by Tim Mueller that would replace the need for a water retention pond. The modification reads "THE PETITIONER SHALL PROVIDE STORM WATER RETENTION TO THE EXTENT FEASIBLE WITHOUT LOSS OF TRAILER SITES."

Allison pointed out that the petitioners would need to give their consent for any change in the outline plan.

Councilmember Blume said he would propose to change the requirement of a watershed pond in the Bloomington Municipal Code or require developers to contribute to an escrow fund for the purchase of land for the city to accomplish the watershed problem.

Councilmember Olcott questioned if Mr. Rumble would accept the compromise mentioned in the memo to Councilmembers eliminating the need for the water retention pond but requiring some form of water retention.

Mr. Rumble, the petitioner and spokesperson for the Rumble Brothers Construction Company, said he liked the compromise but it did not solve any of the problems brought up by the Rumble Brothers concerning the water retention ponds as required by the Municipal Code. He said water retention ponds pose many problems such as liability, maintenance, mosquitoes, mud, etc.

Rumble added that he thought every owner of property in the watershed area should contribute proportionately. Rumble said he did not think their development would increase the run-off of water in any significant amount and were asking the Council to pass their PUD without any water retention facilities.

Councilmember Olcott asked if the development would be on city streets.

Mr. Rumble said their project would be adjacent to and contiguous with two city streets - N. Willis Drive and Monroe Street.

Councilmember Blume asked Mr. Rumble if he would have any objection to contributing to a watershed fund from all developers.

Mr. Rumble answered that he would not object if everyone else in the area made a proportionate contribution.

Councilmember Kinzer said she thought he was asking the other property owners in the watershed to contribute so that he could develop.

Councilmember Morrison said he thought there were numerous things the Council and Planning Department were overlooking. Morrison cited the following examples: 1). when storm sewers are installed in the Jackson Street area they will impede the flow of water 2). water coming down N.W. from the Crestmont addition has two man made barriers that will pond and hold the water 3). culverts over the natural waterway would act as a flood plain along with Willis Drive acting as a natural flood barrier. Morrison added that he felt the water retention pond was a hazard and he did not see any need for it.

Councilmember Young moved and Councilmember Morrison seconded the motion to require the petitioners to handle water retention the way they handled water retention on their other thirty acres.

Councilmember Richardson asked what the motion meant and Councilmember Kinzer call for an opinion from the Engineering Department.

City Engineer, Steve Smith, said the compromise worked out requiring the petitioner to provide water retention to the extent feasible without loss of trailer sites made sense to him. He said it does mean

water will back up. Smith said the idea is to plan for the peak flooding time which is approximately once every ten years and added that his recommendation is still to require the water retention pond.

Councilmember Richardson said again there is the problem of selective enforcement but the Council has an immediate problem they cannot turn their backs on. Richardson said he felt the petitioners should still provide some storm water retention rather than requiring the city to provide it.

Councilmember Middleton asked that Councilmember Young's motion be amended to include the phrase "to delete the requirement for a water retention pond".

Councilpresident Allison said that the compromise proposed stating the petitioner shall provide storm water retention to the extent feasible without loss of trailer sites gives the Engineering Department something to work with rather than putting it on the basis of what the petitioners have done with their property in the past.

Councilmember Middleton asked Mr. Rumble if he rejected the statement in the proposed compromise that stated the petitioner shall provide storm water retention to the extent feasible without loss of trailer sites.

Mr. Rumble said he did reject the statement.

Councilmember Richardson said he knew Mr. Rumble was full of integrity but that the city could not pass an Ordinance on the basis of promises.

Councilmember Kinzer said she thought it was important to realize the motion to amend the outline plan is essentially rejecting the study and the recommendations of the Engineering Department as to the best methods of controlling water in a problem area.

Councilmember Morrison said he was not voting against the Planning and Engineering Departments or voting on promises but that he was voting on the needs of that particular watershed area.

Councilmember Middleton asked if Councilmember Young would change his amendment to simply state "to delete the requirement for the water retention pond". Councilmember Young accepted the friendly amendment and Councilmember Morrison seconded the motion.

Council Attorney, Frances Komoroske, reminded Councilmembers that they must have Mr. Rumble sign a statement in agreement to any change in the outline plan.

ROLL CALL ON AMENDMENT

AYES: Morrison, Towell, Young, Olcott, Blume, Middleton

NAYS: Kinzer, Richardson, Allison

There being six (6) ayes and three (3) nays the motion passed.

Councilmember Kinzer moved and Councilmember Richardson seconded the motion to amend the outline plan to include the phrase that the petitioner shall provide storm water retention to the extent feasible without loss of trailer sites.

Mr. Rumble said he would withdraw any opposition to the statement.

ROLL CALL ON AMENDMENT

AYES: Kinzer, Richardson, Blume, Allison

NAYS: Morrison, Towell, Young, Olcott, Middleton

There being four (4) ayes and five (5) nays the motion fails.

POLL CALL ON ORDINANCE 79-13 as amended

AYES: Morrison, Towell, Young, Olcott, Blume, Middleton
NAYS: Kinzer, Richardson, Allison

There being six (6) ayes and three (3) nays ORDINANCE 79-13 as amended is adopted.

ORDINANCE 79-12 TO AMEND ZONING MAPS

RE: SE CORNER OF E. 3RD ST. AND COLLEGE MALL ROAD AS PCD

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-12 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read ORDINANCE 79-12 by title only.

Councilmember Richardson moved and Councilmember Morrison seconded the motion to adopt ORDINANCE 79-12.

Committee Chairman Olcott read the legislative synopsis and gave the committee report of a vote of 4 ayes, 2 nays and 2 abstentions, to table the ordinance.

Councilpresident Allison asked Tim Mueller, Director of Planning, to lead the discussion on ORDINANCE 79-12.

Mueller said this Ordinance establishes the right of the developer to proceed with the development. He said further development plans are submitted to the Planning Commission and do not come back to the Council. Mueller said the outline plan being voted on tonight by the Council establishes most of the basic parameters of the development.

Councilmember Middleton moved and Councilmember Kinzer seconded the motion that the outline plan be further modified by requiring the following of the petitioner:

(1) The execution of a commitment by the Latimer family to build an additional two lanes on the proposed segment of Buick-Cadillac Drive at such time as the land fronting on said street is developed in any way other than having access exclusively via the proposed mall entrances, such agreement to be executed in a form satisfactory to the Plan Commission before development plans and division of land are approved, and

(2) The procurement of the necessary state approvals for the proposed improvement to Third Street, the proposed signals at Clarizz Boulevard and Kingston Avenue, the traffic signal changes at Third Street and College Mall Road, and the right turn lane at the Marathon station at Third Street and College Mall Road; this approval to be effective only upon such state approval.

Councilmember Blume questioned where the developer was going to put in the proposed two stop lights.

Tim Mueller answered that the stop lights would be at Clarizz Boulevard and Kingston Avenue and the stop light at K-Mart would be re-located. He added that in the future a stop-light may be placed at Pete Ellis Drive.

Councilmember Blume said he thought a 45 m.p.h. speed zone in the area between the stop lights on Third Street would be too much. He also expressed concern for the pedestrian traffic and suggested a sidewalk on College Mall Road from Third Street to Tenth Street.

Mr. Hurt asked Council from the audience if K-Mart had to give approval before the lights on Third Street could be changed.

Tim Mueller said that the state's approval is contingent on the approval of K-Mart.

ROLL CALL ON AMENDMENT

AYES: Morrison, Towell, Young, Kinzer, Richardson, Olcott, Blume, Middleton, Allison
NAYS: None

There being nine (9) ayes and no (0) nays the motion passed.

Councilmember Richardson moved and Councilmember Morrison seconded the motion to adopt ORDINANCE 79-12 as amended.

Mr. William Scott, Vice-President of Hoosier Acres Association, said Hoosier Acres has never been in opposition of growth but they are in favor of rational growth. He said most of the Hoosier Acres' residents do not believe the traffic problems will be resolved but instead believe they will be compounded. Scott said they would not be in opposition to the petition if they could have some assurance their neighborhood would not get the traffic overflow.

Mr. Scott also asked that no streets be made as through streets in Hoosier Acres until the traffic problems are resolved. He said there is an underlying assumption that this new development would be successful. He said he wondered if Council had investigated Simon Associates to assure themselves that they are financially responsible and successful.

Councilmember Morrison said he would like to see the city's thoroughfare plan amended to need Council action before Homestead Drive and Adair Lane could be through streets.

Mary Alice Gray of 1913 Sussex Drive spoke from the audience and said she was concerned about the external effects of traffic especially on Second Street and College Mall Road.

Councilmember Middleton said the next priority for the city is to try to develop an extension to College Mall Road to complete the bypass and handle the traffic that is being funneled into residential areas into a proper kind of arterial program.

Mr. Andrew Mallor, Attorney for Hoosier Acres, spoke briefly and said that a lot of people had been working together to get to this point and although it is not perfect for everyone it does represent a compromise. He said now they can start looking at other problems beyond PCD. He added that the Planning Commission had worked very hard to please a lot of people.

ROLL CALL ON ORDINANCE 79-12 as amended

AYES: Morrison, Towell, Young, Richardson, Olcott, Blume, Middleton, Allison
NAYS: Kinzer

There being eight (8) ayes and one (1) nay ORDINANCE 79-12 as amended is adopted.

Councilmember Olcott moved and Councilmember Middleton seconded the motion that Homestead Drive, Latimer Road, and Adair Lane not be made into through streets and request that the Planning Commission find an alternative for through streets. The motion received unanimous voice vote.

INTRODUCTION OF ORDINANCES FOR FIRST READING

ORDINANCE 79-29 TO AMEND BMC re: Parallel Parking

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce ORDINANCE 79-29 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read the Ordinance by title only and Councilpresident Allison read the legislative synopsis.

ORDINANCE 79-32 BUDGET TRANSFER FOR BOARD OF WORKS

Councilmember Richardson moved and Councilmember Young seconded the motion to introduce ORDINANCE 79-32 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read the Ordinance by title only and Councilpresident Allison read the legislative synopsis.

ORDINANCE 79-34 TO AMEND ZONING MAPS
RE: 805 S. MADISON FROM ML TO BL

Councilmember Richardson moved and Councilmember Middleton seconded the motion to introduce ORDINANCE 79-34 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read the Ordinance by title only and Councilpresident Allison read the legislative synopsis.

ORDINANCE 79-35 TO AMEND ZONING MAPS
RE: NE CORNER OF W. ALLEN AND ADAMS STREETS RS TO ML

Councilmember Richardson moved and Councilmember Young seconded the motion to introduce ORDINANCE 79-35 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read the Ordinance by title only and Councilpresident Allison read the legislative synopsis.

APPROPRIATION ORDINANCE 79-7 FUNDS FROM GENERAL FUND TO COMMON COUNCIL

Councilmember Richardson moved and Councilmember Morrison seconded the motion to introduce APPROPRIATION ORDINANCE 79-7 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read the Ordinance by title only and Councilpresident Allison read the legislative synopsis.

ORDINANCE 79-31 TO REPEAL AND RE-ENACT TITLE 9 OF BMC, ENTITLED "WATER"

Councilmember Richardson moved and Councilmember Middleton seconded the motion to introduce ORDINANCE 79-31 and read by title only. Voice vote. So ordered.

Deputy City Clerk Lacewell read the Ordinance by title only and Councilpresident Allison read the legislative synopsis.

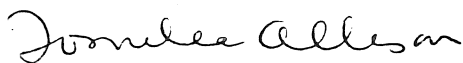
MINUTES FOR APPROVAL

There were no minutes for approval.

ADJOURNMENT

The meeting was then adjourned at approximately 10:30 p.m.

APPROVE:



TOMILEA ALLISON, PRESIDENT
BLOOMINGTON COMMON COUNCIL

ATTEST:



KAREL BROWN DOLNICK, CITY CLERK

MINUTES APPROVED THIS 7 DAY OF June, 1979.