

In the Common Council Chambers of the Municipal Building held on November 1, 1979, at 7:30 p.m. with Council president Tomilea Allison presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
NOVEMBER 1, 1979

Councilmembers present: Allison, Blume, Kinzer, Middleton, Morrison, Olcott, Richardson, Towell and Young. Absent: none.

ROLL CALL

Council president Allison read the agenda summation. She noted that there will be no committee meeting on November 7, the day after the election.

AGENDA SUMMATION

Towell expressed dissatisfaction with the current committee system, stating that there should be more standing committees made up of Councilmembers who are assigned to keep in close touch with a particular department or issue. Kinzer agreed.

MESSAGES FROM  
COUNCILMEMBERS

Richardson said that a report from Indiana University concerning the possibility of a parking garage at the corner of Fifth and Indiana will be forthcoming in December. With the additional parking, perhaps they will not have to tear down as many old homes for parking lots. Second, he said he will not be running for any office in 1980. He continued that he has had a positive experience on the Council and added that all of the Councilmembers are concerned about what's best for Bloomington.

Olcott praised Richardson for the good job he has done as Councilmember and said that no matter who is elected next week, Bloomington will continue to grow and function.

Allison read a correction to the committee minutes requested by Daisy Garton concerning her rezoning request.

Mayor McCloskey said he is sure that Richardson will continue to make a major contribution to the City. Concerning the request for funds for the purchase of the new older American Center building, he said he is in favor of the trade since the available amount of space will be doubled, there will be more parking, plus the fact that the senior citizens of the community want a new building. Concerning the College Mall PCD designation, he said that traffic will be impacted, but that the City will work to improve the situation in any way possible. He noted that Dennis Mills and Gene Ashby of the State Highway Commission are present tonight to address traffic concerns. He said that no promises have been made, but rephrasing of the light at Third and College Mall Road is a distinct possibility, and the City Engineer will be pursuing this in coming months. On another topic, he said that the City has been notified by the State Highway Engineer that no state funds will be available for an overpass for University School. Possibly, federal funds will be available or a joint funding venture with the schools, I.U. and the City can be worked out. State review will include the possibility of lowering speed limits and adding cross walks. He said he has met with school officials and parents to talk about their concern for the safety of school children, and additional improvements will be made in this area. Mel Simon is spending \$800,000 on site improvements, and a performance bond will be taken out before the temporary occupancy permit is issued. He said the Council has a difficult decision to make, but reminded them that the zoning of the area has already been determined and that the mall expansion will provide hundreds of jobs and will pump \$20 million into the community with the building alone.

MESSAGE FROM  
THE MAYOR

Allison announced that the Council has an opening to fill on the Human Resources Commission and explained that Jim Opiat would like to be reappointed to this position. Richardson moved and Middleton seconded a motion to approve Opiat's re-appointment. Motion carried by a vote of Ayes: 9, Nays: 0.

APPOINTMENT TO  
HUMAN RESOURCES  
COMMISSION

Richardson moved and Olcott seconded a motion to introduce and read Resolution 79-35, To Declare Youth Soccer Week. Richardson read the resolution, noting that Youth Soccer Day will be November 4. Resolution 79-35 was then adopted by acclamation by a vote of Ayes: 9, Nays: 0.

RESOLUTION 79-35  
To Declare Youth  
Soccer Week

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-86 by title only.

ORDINANCE 79-86  
Budget Transfers  
Bd. of Safety &  
Human Res. Dept.

Clerk Connors read Ordinance 79-86 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-86.

Towell gave the committee report, with a Do Pass recommendation by a vote of 5-0. He then read the legislative synopsis.

Ordinance 79-86 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Richardson moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 79-14 by title only.

APPROPRIATION  
ORDINANCE 79-14  
Funds from CC  
and FRS to Parks  
and Recreation

Clerk Connors read Appropriation Ordinance 79-14 by title only.

Richardson moved and Morrison seconded a motion to adopt Appropriation Ordinance 79-14.

Towell read the legislative synopsis and gave the committee report for a Do Pass recommendation by a vote of 5-0, noting that the committee agreed that the new Older American Center is needed in order to provide additional space.

Olcott said he is concerned about the safety of the new building, stating that he is ready to vote for the appropriation but that it should be thoroughly inspected since it was partially destroyed by fire at one time. He said he remembers working on acquiring the first center, and it is now clear that more space for programs and parking is badly needed.

Mayor McCloskey responded that Steve Smith, City Engineer, had inspected the building twice, but he would send him out again for one more thorough check.

Towell said he was skeptical about the trade at first, but after he looked at the new building he was convinced that the move would be beneficial to everyone concerned. He said he was impressed by the bargain the City has negotiated and he added that he has been concerned that this part of Walnut Street has been getting more run down in recent years. He said he hoped that with the purchase of the building by the City, perhaps it will start an effort to revitalize the entire area.

Blume said an elevator is badly needed in the new building, but said that all in all, the proposed use is an excellent one.

Kinzer said she had many questions from the beginning on this purchase. She said the fiscal impact statement said it won't have major impact, but she claimed it would. She continued that she is sorry something cannot be done with the present building or with the purchase of another nearby building, such as the Monroe County Courthouse Annex. She said she likes the old location, but is convinced that more space is needed.

Middleton said he would like to see the Parks and Recreation Offices move into the old Water Office in the Municipal Building and leave the old OAC for the senior citizens.

Morrison said he is 100% behind the purchase and wished the senior citizens well in their new location.

Young said he is not impressed with the condition of the new building, adding that the price should be lower as well.

Appropriation Ordinance 79-14 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Richardson moved and Morrison seconded a motion to introduce and read Resolution 79-31 in its entirety.

RESOLUTION 79-31  
To Redefine the  
Relationship  
Between the USB &  
the Common Council

Clerk Connors read Resolution 79-31 in its entirety.

Richardson moved and Morrison seconded a motion to adopt Resolution 79-31.

Towell read the legislative synopsis and gave the committee report with a Do Pass recommendation of 5-0. He added that the USB had approved the resolution unanimously.

Richardson said Council president Allison has worked well with the USB and Stu McClure throughout the year, and this resolution is just one result of her efforts.

Blume said he only wishes the Council did not have this resolution earlier because several problems could probably have been avoided, such as the lack of communication about the sewer expansion in Windemere Addition.

Towell said this relationship has been discussed before, and the resolution of several years ago that the Mayor vetoed had much of the same language in it, most of which came from state law.

Resolution 79-31 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Richardson moved and Olcott seconded a motion to introduce and read Ordinance 79-77 by title only.

ORDINANCE 79-77  
To Amend BMC re:  
Downtown Resident  
Parking Permits

Clerk Connors read Ordinance 79-77 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-77.

Towell read the synopsis and gave the committee report with a Do Pass recommendation of Ayes: 1, Nays: 3, Abstentions: 1. Towell, sponsor of the ordinance, explained that there are very few areas where cities have full control of determining their own regulations, and parking is one of them. He said that downtown residents suffer because of the lack of parking, and they deserve cheaper downtown parking permits.

Blume said the Downtown Committee had determined that parking is the major need downtown and said he thinks this ordinance would defeat that purpose.

Middleton said he sees potential legal problems with charging different residents varying rates for the same parking spaces. He said downtown residents should pay the same price as anyone else buying a downtown parking permit and added that Section II is not necessary and moved that it be deleted. There was no second to the motion.

Towell responded that he had spoken with downtown merchants about this proposal, and they are in favor of it because it would keep downtown residents' cars off the streets (where parking is most needed) and put them in parking lots. He said a \$1.00 parking ticket is pretty cheap considering it costs 90¢ to park for a whole day. He said that he and Sergeant Perry had researched this subject and they found that fewer than fifty people would be affected.

Richardson said that downtown parking lots are fully utilized and this ordinance would only aggravate the problem. He said they should pay the full \$112 rate. He added that the entire area between downtown and the campus is impacted, not just one section near the downtown. He said the benefits will not outweigh the detriments.

Ordinance 79-77 was then defeated by a roll call vote of Ayes: 2 (Towell and Kinzer), Nays: 7.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-80 by title only.

Clerk Connors read Ordinance 79-80 by title only.

Richardson moved and Olcott seconded a motion to adopt Ordinance 79-80.

Towell read the synopsis and gave the committee report, with a Do Pass recommendation of 5-0.

Olcott said this entire area is moving towards more manufacturing uses, and this rezoning fits in well with this trend.

Ordinance 79-80 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Middleton moved and Towell seconded a motion to take Ordinance 79-83 off the table. Motion passed by a voice vote of Ayes: 7, Nays: 2 (Kinzer and Richardson).

Blume again explained that he will not be able to vote on this ordinance due to conflict of interest created by his business (the Bottle Shop) being directly across from K-Mart.

Kinzer moved and Towell seconded a motion to nominate Bill Lumbley as Blume's replacement. She said she knows him well and knows that he has not yet made up his mind on this issue. He was on the County Plan Commission and is familiar with zoning concerns.

Bill Lumbley said he is a teacher and resides at 600 Maxwell Lane.

Olcott said he thinks Lumbley would be very good but he was not aware that he was going to be nominated. He then moved, and Middleton seconded, a motion to nominate Dick Huffman to replace Blume.

Huffman said he works for Johnson Creamery and lives at 2204 Belhaven.

There was a short discussion concerning how both Lumbley and Huffman are very qualified.

Huffman was then appointed to replace Blume during discussion and vote on Ordinance 79-83 by a vote of Ayes: 5, Lumbley: 3 (Towell, Kinzer and Richardson).

Tim Mueller, Planning Director, gave a zoning background of the area. He summarized the changes to the zoning maps from 1962 to 1979. He said the land is now zoned BA, which allows the broadest range of commercial uses. Without the PCD request, the developer would only have to be dealing with the Plan Commission since it is in accord with the legal specifications and the Plan Commission would have to permit it. If the development was unrelated to the mall, the City would be able to require no improvements to surrounding streets or the existing mall. With expansion, the City's input is severely limited with comments limited to accesses or expansion of use at existing accesses. He gave the objectives for staff and Plan Commission recommendation for approval: (1) they wanted to obtain an extension of new streets - Clarriz and Buick/Cadillac for one-third mile. (2) Obtain a reasonable level of improvement to Third and College Mall Roads. He added that the City has been very lucky with what they have gotten. (3) Improvements to the existing mall site - landscaping, traffic channelization, etc. There were many compromises made and the final result is one of the best plans he has seen in many years. He continued that cities are often upset

ORDINANCE 79-80  
To Amend Zoning re:  
NW & SW corners of  
Curry and Vernal  
Pikes from RH to ML

ORDINANCE 79-83  
To Designate  
College Mall as a  
PCD and to Approve  
Outline Plan

when adjacent suburbs get new businesses and the cities are stuck with the traffic. In this case the City will get a great deal of tax revenue, six hundred full time jobs, and fifty or sixty employed in the construction stage. The mall will also keep funds from flowing out of the Bloomington area and there will be an expanded money market with new businesses doing additional business with banks, etc. He said the developer will pay 75% of the cost of the major improvements. The state is also studying improvements to the bypass and construction on the new south extension could commence in six years. There will be improvements to Hillside, Pete Ellis will hook up with Tenth Street and Smith Road Phase II will begin in 1980 with more links to Tenth Street. As far as justifying the changes requested by the developer to Clarriz and College Mall Road, he said that the City has extracted many things from the developer, and the City gave little in return. He said two lanes on Clarriz is acceptable since there will be no access points without turn lanes. In answer to a question from Towell concerning the timetable for construction, Mueller said that they have a grading permit and are adding storm sewers now along with making improvements to the old mall. The project should be completed by March of 1981 with transportation improvements occurring concurrently. He added that a performance bond will be required. As far as making the developer responsible for the intersection of College Mall and Second, he said this is really an unreasonable request but improvements will be made nonetheless. He said children are not obligated to cross at Second and College Mall Road. In answer to a question concerning whether there are any bike paths planned he said not at this time, noting that these streets are very wide and there will be sidewalks along most of them. He reminded the Council that the Council is merely approving the outline plan and urged them to stay on this point.

Saul Rockman of Hoosier Acres asked Dennis Mills, State Highway representative, what their plans are for the light at Third and College Mall Road and he answered that it is being studied. Saul Rockman said that the neighborhood has been involved in this project since February, and many of their concerns have been addressed. He said that the PCD designation would be spot zoning and would in effect throw out all the work that was put into the zoning ordinance. He said they had met with the developers earlier and they agreed that certain traffic concerns needed to be addressed: widening Clarriz and Buick/Cadillac, adding passing lanes on Third, widening the entire length of College Mall Road, and rephasing the lights at Third and College Mall, a light at the intersection of Third and Kingston and a light at Clarriz. He said these conditions have not been met. He continued that the Mayor said the issue of additional lights would be studied and he then asked the Council to defer action until such time as this is done. He claimed that a BA zone would permit many things, but nothing such as this. He said other developments would not require so many variances and the use of so much land.

Andy Mallor, attorney for the Hoosier Acres residents, said that there are many groups interested in this project besides his clients. He said they favor more jobs but said the problems should be addressed first. He concluded that they are not willing to have development with so many negative impacts and he urged the Council to defer on any decision until more of the problems are solved.

Elizabeth Day, resident of Covenant Drive, said her neighbors are getting scared about the impact on their area. She said they have forty signatures asking for sidewalks on her street that are needed due to the danger imposed on their children from the future increase in traffic volume.

Bill McGary of the University School PTO, urged the Council to consider the safety of the children.

Albert Worthheim of the Rogers PTO, asked the Council to look more carefully at the traffic picture. He said many problems were aired

at the morning meeting with the Mayor about traffic problems. In answer to Mueller's comment about children not having to cross the street at Second and College Mall he said that they will be drawn to the mall and will be walking in the area during peak traffic times coming from after school activities and also walking towards the bus stop at the mall. He repeated that they are not against development but said there will be problems with building first and planning later. He urged the Council to work out the traffic package before they approve the development.

Gary Clendening, attorney for the petitioner, said that the Hoosier Acres residents have never told them how to change the development. He said the only substantive difference since last spring is that the state will not change the phasing of the light at Third and College Mall Road until development is complete. He reminded the Council of the benefits that will come from the development - \$20 million worth of taxable property, a fifth lane on Third Street, Buick/Cadillac and Clarriz extensions, upgrading the existing mall, and surrounding the development with sidewalks. He said the traffic situation is serious but said these improvements should balance the increased traffic flow. He asked the neighborhood for specific recommendations on improvements, but received none. He said the fact that Tim Mueller thinks that the development is sound is an important factor. Concerning a traffic package, he said that the traffic situation all over town is not good with no real thoroughfares and added that Mel Simon cannot be asked to provide the City with the answers to all of its traffic problems.

Bob Williams, President of the Bloomington Federation of Labor, urged the Council to approve the outline plan. He said that in addition of jobs in Bloomington is vital along with the \$20 million dollar boost to the community. He said they too are concerned with traffic and safety problems but said that the developer has done more than is required of him already.

John Lampkins, Secretary of the Building Construction Trades Council, said that forty of their members are present tonight in support of the development.

Tracy Clay, President of the Bloomington Chamber of Commerce, said that the Economic Development Committee of the Chamber of Commerce unanimously passed a resolution in favor of the development, noting the significant economic impact.

Michael Cummins, representative for the Carpenter's Union, said that the Council should do whatever they can do encourage development in Bloomington.

Jerry McCarter, Business Representative for the Trades Unions, briefly spoke in favor of the development.

Bill Lumbley said there are obviously many economic benefits, but the Council should consider the impact on adjacent areas, emphasizing the effect on drainage problems south of the development.

Middleton said that the developer has worked out a good plan that deserves approval; however he claimed that the City has only reacted to the developers' plans instead of working with them. He said there will probably be left-turn problems from Third Street and that it will be up to the City to solve these problems. He said the developer is really not being that generous, stating that the intersection of Second and College Mall should be signalized and widened south of Second Street. He then moved to amend the plan to add a right turn lane at Second and College Mall with the land to be dedicated by the developer. It could be done by filling in the large ditch east of the road. Olcott seconded the motion.

Mueller responded that this ditch is essential for drainage.

Clendening said this would be putting an unnecessary hardship on the developer. When Buick/Cadillac Drive is opened people will be able to turn into the mall from there.

Richardson and Towell said it is inappropriate to make such amendments on the floor at this late date. They would rather see it

done in a more comprehensive manner.

Allison cautioned that the Council has no idea how much such an amendment would cost and Middleton is asking that the City pay half the cost. She said the amendment is too open-ended.

Clendening asked why they have heard nothing from Middleton on his amendment until tonight.

Mueller said the Council will have to specify the proportion that the City will pay or they will be in a real bind when the developer comes to get their permit.

After a short discussion, Middleton spelled out his amendment to amend the PCD for a right turn lane from College Mall Road onto the extension of Second Street into the mall. The cost would be shared and engineering fees would be worked out between the City and the developer.

Steve Smith said that the amendment could read that the developer extend the box culvert 200 feet and fill in the channel with the City doing the rest at an approximate cost of \$10,000.

Motion carried by a vote of Ayes: 6, Nays: 3 (Towell, Richardson and Allison).

Young moved and Allison seconded a motion to require curbs and sidewalks on Clarriz and Buick/Cadillac Drives with curbs on both sides and sidewalks on one.

Motion carried by a vote of Ayes: 9, Nays: 0.

Towell moved and Olcott seconded a motion to require a performance bond before the temporary occupancy permit is issued.

Motion carried by a vote of Ayes: 9, Nays: 0.

Richardson moved and Kinzer seconded a motion to table Ordinance 79-83.

Motion failed by a vote of Ayes: 2 (Richardson and Kinzer), Nays: 7.

Middleton moved and Morrison seconded a motion to adopt Ordinance 79-83 as amended.

Clendening said he would provide written approval on the part of the developer stating that they will go along with the amendments.

Motion carried by a vote of Ayes: 7, Nays: 2 (Richardson and Kinzer).

Richardson moved and Morrison seconded a motion to adjourn. Motion failed by a vote of Ayes: 3 (Young, Kinzer and Richardson), Nays: 6.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-81 by title only.

ORDINANCE 79-81  
To Amend Zoning re:  
SE corner of Pete  
Ellis and 10th

Clerk Connors read Ordinance 79-81 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-81.

Towell read the synopsis and gave the committee report for the various parcels. He then read the amendment that would allow the Council to approve only the Glick portion this evening.

There was a unanimous voice vote of Ayes: 8, Nays: 0 (Kinzer departed) to divide the question to vote only on Parcel A (Glick).

Towell moved and Middleton seconded a motion to adopt Ordinance 79-81 as amended.

Richardson said he could not support any additional cuts on Tenth Street besides the access from Pete Ellis.

Mueller discussed the possible access points onto Tenth Street. He said approval affords only one access as is.

Blume said it would be poor planning to have only one access for so many apartments.

Steve Halkovic, resident of Grandview, said that more cuts are not needed. There are many dangerous curves and hills on Tenth, and access points will have to be carefully chosen.

Mary Jane Cormley of Grandview Hills presented a map to the Council. She said she polled 82 residents of Grandview and they were all concerned about traffic problems on Tenth. Half of them were not in favor of the development and the other half were amenable to the Glick development. She said one good access point on the eastern part of the Glick parcel would be the best.

Mueller warned that there is engineering work yet to be done and he would prefer to see the Council leave this point as flexible as possible at this point. It will be reviewed at the developmental plan stage. In answer to a question from Young concerning drainage problems in the area, Mueller said the most likely solution is a drainage culvert under the railroad.

Middleton moved to amend Section III to prohibit more than one ingress/egress onto Tenth Street. Richardson seconded.

Mueller said the Council really should not be getting involved with these details. He added that they still are not sure of what will happen to the Garton property and this could affect the access points.

Allison said the sense of the Council seems to be to allow only one access.

Ordinance 79-81 was then amended per Middleton's motion by a vote of Ayes: 8, Nays: 0.

Towell moved and Middleton seconded a motion to adopt Ordinance 79-81 as amended (Glick portion only).

Motion carried by a vote of Ayes: 7, Nays: 1 (Richardson ).

Olcott moved and Towell seconded a motion to introduce and read Ordinance 79-90 by title only.

ORDINANCE 79-90  
Budget Transfers

Connors read Ordinance 79-90 by title only and Allison read the legislative synopsis.

Olcott moved and Towell seconded a motion to introduce and read Ordinance 79-91.

ORDINANCE 79-91  
To Amend BMC re:  
Bike Paths

Connors read Ordinance 79-91 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 79-15 by title only.

APPROPRIATION  
ORDINANCE 79-15  
From GF to Transit  
Department

Connors read Appropriation Ordinance 79-15 by title only and Allison read the legislative synopsis.

Olcott moved and Towell seconded a motion to introduce and read Appropriation Ordinance 79-16 by title only.

APPROPRIATION  
ORDINANCE 79-16  
From GF to PD, from  
LR&S to SE Extension  
Study, from  
MVH for materials

Connors read Appropriation Ordinance 79-16 by title only and Allison read the legislative synopsis.



Olcott moved and Morrison seconded a motion to amend the agenda to introduce and read Ordinance 79-95.

ORDINANCE 79-95  
To Amend Zoning  
re: K-Mart PCD

Connors read Ordinance 79-95 by title only and Allison read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 79-94 by title only and to amend the agenda to do so.

ORDINANCE 79-94  
To Amend Zoning  
re: Pete Ellis  
and Tenth (Garton)

Connors read Ordinance 79-94 by title only and Allison read the legislative synopsis.

Olcott moved and Middleton seconded a motion to approve the minutes of August 16 and August 27, 1979, as submitted. Motion carried by unanimous voice vote.

MINUTES FOR  
APPROVAL: 8/16  
and 8/27/79

The meeting was then adjourned at 12:10 a.m.

ADJOURNMENT

APPROVE:

ATTEST:

*Tomilea Allison*

*Nora M. Connors*

Tomilea Allison, President  
Bloomington Common Council

Nora M. Connors  
City Clerk

MINUTES APPROVED THIS *6th* DAY OF DECEMBER, 1979.