

In the Common Council Chambers of the Municipal Building held on September 2, 1976, at 7:30 p.m. with Council-president Blume presiding.

REGULAR SESSION
COMMON COUNCIL
September 2, 1976

Present: Councilmembers Blume, Kinzer, Middleton, Olcott, Morrison, Richardson, De St. Croix, Towell and Young.

ROLL CALL

Present: Steve Richardson, City Attorney; Chief Richard Gose, Fire Department; Chief Carl Chambers, Police Department; Tom Crossman, Director of Planning; Michael Corbett, Council Administrator; Karel Dolnick, City Clerk; Leo Burke, Director of Human Resources; Pat Gross, City Controller; Marie Harlan, Convenor of the Traffic Commission. There were approximately ten others present.

CITY OFFICIALS
PRESENT

Agenda Summation for second reading: Ordinance 76-44, To Require City Board and Commission Members to be City Residents; Ordinance 76-53, Budget Transfer for City Court and City Controller; Ordinance 76-46, To Amend Zoning Maps re 901 W. First Street RS to SM; Ordinance 76-47, To Amend Zoning Maps re: PUD on the SE corner of College Mall Road and Moore's Pike. For first reading: Ordinance 76-54, To Amend Zoning Maps re: SE corner or 37 Bypass & SR 48 SC/BA to SC/ML; Ordinance 76-55, Traffic Amendments; Ordinance 76-56, To Repeal and Re-enact Chapter 15.52 of the Municipal Code, entitled "Bicycles"; Ordinance 76-57, Budget Transfer for Police, Human Resources, and Bicentennial Commission; Ordinance 76-58, Petition for Organization for a Regional Solid Waste District; Ordinance 76-59, Salary Ordinance for Police and Fire Departments; Ordinance 76-43, To Charge Fees for False Alarm Systems that Terminate in the Police Department, and Appropriation Ordinance 76-18, re: \$10,000 from Cumulative Capital for Parks and Recreation. Also the Annual Report from the Fire Department and the minutes of July 15, July 22, July 29, and August 5, 1976.

AGENDA SUMMATION

Pat Gross, City Controller, asked that the section of Ordinance 76-57, Budget Transfer, dealing with the Police Department, line 37, Other Supplies, be adopted at tonight's meeting. She explained that the Police Department needs the funds to purchase new parking tickets, noting that there was new legislation passed during the summer involving new parking meters downtown. She added that the amount has been changed on Appropriation Ordinance 76-18 in increasing the amount by \$3,000 since it was given to the Council before first reading. She explained that Indiana Granite has found that the Bryan Park pool needs more repairs than anticipated, noting that the funds will come from cumulative capital.

MESSAGE FROM THE
MAYOR

Councilmember Young welcomed Michael Corbett as the new administrator for the Common Council, and wished him well. He also requested that the Board of Public Works repair the hole on the west side of the Municipal Building in the parking lot.

MESSAGES FROM THE
COUNCILMEMBERS

Councilmember Kinzer then added her welcome to Michael Corbett.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-44 by title only.

ORDINANCE 76-44
Residency Requirements
for members of City
Boards & Commissions

Clerk Dolnick then read Ordinance 76-44 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-44.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-44.

Councilmember Towell asked what the Council planned to do about boards and commissions that cover a larger service area than the city.

Councilmember Morrison then gave the committee report from Planning/Community Development (Community Resources did not meet). He noted that there was no recommendation.

Councilmember De St. Croix added that Section one states the exceptions in the ordinance, covering the two mile fringe, etc. He said he didn't believe boards and commissions have been created that are empowered under state law to enforce any municipal statutes that extend beyond the limits of the civil city. He said there are often members of boards and commissions that are not city residents, while there are residents who would be willing to volunteer their services and time because they have a stake in it. He noted that the ordinance pertains only to newly appointed members, not present ones. He said if there are problems that come up in specific boards, it can be dealt with easily.

Councilmember Kinzer said boards and commissions are set up to give recommendations to city residents and to receive input from residents. She added they should definitely be city residents except for those cases that are exempted by state statute.

In answer to a question from Councilpresident Blume, Steve Richardson responded that an example is that the Utilities Service Board ordinance does allow for appointment beyond the city's corporate jurisdiction for a particular purpose in their service area. He added that the Telecommunications Council also has a service area that is broader than the city limits. He said the Council may amend the city code if they wish to specifically state which boards and commissions they wish to apply the ordinance to.

Ordinance 76-44 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 2. Nays: Councilmembers Morrison and Richardson.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-53 by title only.

ORDINANCE 76-53
Budget Transfer
City Clerk/Controller

Clerk Dolnick then read Ordinance 76-53 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-53.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-53.

Councilmember De St. Croix then gave the committee report from Community Resources, noting a Do Pass recommendation on both sections.

Ordinance 76-53 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-46 by title only.

ORDINANCE 76-46
Amend Zoning 901 W. 1st
RS to SM

Clerk Dolnick then read Ordinance 76-46 by title only.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to adopt Ordinance 76-46.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-46.

Councilmember Morrison then gave the committee report from Planning/Community Development. The committee gave it a Do Pass recommendation.

Councilmember Towell remarked that he is in favor of the rezoning. He said in the Plan Commission meeting, the question of whether they can further extend the SM zone was discussed. He added that the mixture of uses in that area has all the bad aspects that we are trying to avoid in planning. He said the status quo is not always good and should not be a valid argument in the type of zoning to be given.

Ordinance 76-46 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-47 by title only.

ORDINANCE 76-47
Amend Zoning re:
PUD/SE corner of
College Mall Road &
Moore's Pike

Clerk Dolnick then read Ordinance 76-47 by title only.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to adopt Ordinance 76-47.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-47.

Councilmember Morrison then gave the committee report from Planning/Community Development. He explained that the committee made no recommendation, but that they decided at the meeting that committee members would personally inspect the site then ask the Council of the Whole to decide. He added that there were representatives at the committee both for and against the ordinance.

Councilpresident Blume noted that the area will have to pass the site plan review stage if the Council passes the ordinance, noting that all the Council has to decide is if the development should be a PUD or not.

In answer to a question from Councilmember Towell regarding whether the questions of the residents will actually be addressed at the site plan stage, Gary Clendening answered that yes, they will. He said a PUD is not inconsistent with an RS zone. He noted that with condominiums on a 2.7 acre plot, they would only have to have one access road. He then explained a profile map of the section of Moore's Pike where the proposed access road will be. He noted that the site distance is adequate and at a legal distance of 500 feet. He added that they will be doing some "trimming" of trees in the area.

Larry Burke, architect of the condominiums, added that they will be required to provide an acceleration/deceleration lane along Moore's Pike leading up to their access drive, which would mean widening the road seven feet.

There was then general discussion on access to the condominiums, site distance and landscaping of the area.

Gary Clendening noted that they will be required to meet site plan requirements, and included in that is a landscape plan which will have to be approved. He said they are asking the Council to approve the concept of the development. He said drainage requirements will also have to be met at that time. He added that it is easier to conserve space if a large structure is built than if it is broken up into several smaller lots.

Councilmember Morrison remarked that the area is a Class A Watershed, noting that there is a small

canyon running through the land. He said many people are affected when you alter the watershed area. He said from now on, he will not vote for development in watershed areas.

Ms. Lila Engels, area resident who sold the property to Doug Hatton for development, explained that she is not opposed to building something on the land, but noted that the understanding when she sold it was that not more than two or three single family residences would be built there. She said she is concerned that the drainage area will be damaged, adding that Moore's Pike floods as it is when it rains.

Phillip Wikelund, another area resident, asked the Council if they had visited the site and presented them with an aerial photograph taken many years ago of the area which shows the terrain and the building area. He saw two consequences of the building, one being the physical structure and how it fits into the environment and the other is to the community. He noted that the geologist's report indicates serious problems with this sort of structure, noting slippage and heavy erosion. He added that Norm Perry voted against the proposal at the Plan Commission meeting for the same reasons. He said condominiums are not suitable for the area. When the paved area is introduced, there will be more water runoff. He also said there will be heavy destruction of the vegetation in the area. He noted that the traffic problems will also be a hazard, adding that the visibility is very poor.

Tom Crossman noted that the site plan stage would be appropriate for answering these points, noting that there are public hearings then. He said when the Plan Commission recommended approval, they believed that the concept was a good one, and that they will have a chance to review the details later on. He said subdivision plans would allow six or seven single dwelling units in an area of this size.

Councilmember Richardson commented that it troubles him that the Council is asked to become experts in planning, engineering, architecture, etc. He said if the Council votes against it, they have an obligation to tell Mr. Clendening and his clients what they want, noting that the Plan Department and Commission both recommended passage of the ordinance.

Councilmember De St. Croix remarked that if the Council approves the PUD designation, it then goes to the Plan Commission for final approval; while if it is developed under RS requirements, it would not come before the Council but the Plan Commission. He said if the Council has concerns regarding the property, this is the only time they can address it, unless they set out new requirements for PUD designation.

Lila Engels noted she would prefer condominiums over a few single dwelling units, adding that they will be free to build them if the Council does not pass the PUD.

The Council then took a fifteen minute break.

Councilpresident Blume then called for Petitions and Communications; being none, he resumed discussion of Ordinance 76-47.

Councilmember Young remarked that the Council has far more control with a PUD in the development than with Single Family Dwelling Units. He said the only decision the Council has to make is whether it is proper zoning.

Norma Johnson noted that people are not concerned about the dangerous traffic conditions in the area. She said when you are coming East on Moore's Pike down the hill it is almost impossible to stop if you have to. In the winter it freezes rapidly and the turn cannot safely be made onto College Mall Road.

Councilmember Middleton replied that it is a serious problem and should be taken care of before there is further development in the area.

Marie Harlan of the Traffic Commission remarked there are not any speed limit signs in the area, but noted that the county would have to be the ones to put the signs in since it is not in the city limits. She added that Professor Loft of Indiana University is having some of his graduate students look into the traffic problems at the entrance to the park which is just up the road.

Councilmember De St. Croix moved Ordinance 76-47 be remanded to the Plan Commission with a request from the Council that the zone for the property be reviewed. The motion failed due to lack of a second.

Councilmember Morrison moved that a new section two be added to read "that provided that a cutting plan of all trees that would be removed from the subject property be submitted to the City Plan Department and Technical Advisory Committee, along with the development plan prior to any actual cutting of trees in the said property". Councilmember De St. Croix seconded the motion. He continued that the Council does not have much control over environmental conditions in the two-mile fringe.

Councilmember Morrison's motion was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-47 as amended.

Ordinance 76-47 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Kinzer remarked during the vote that she feels that there were a number of mistakes made on the property, and that both of their available choices are poor ones.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-54 by title only.

ORDINANCE 76-54
Amend Zoning re: SE
corner of 37 Bypass &
SR 48 SC/BA to SC/ML

Clerk Dolnick then read Ordinance 76-54 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-54.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-55 by title only.

ORDINANCE 76-55
Traffic Amendments

Clerk Dolnick then read Ordinance 76-55 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-55.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-56 by title only.

ORDINANCE 76-56
Repeal & Re-enact
"Bicycles" in the
Code

Clerk Dolnick then read Ordinance 76-56 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-56.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-57 in entirety.

ORDINANCE 76-57
Budget Transfer
Police, Human Res.

Clerk Dolnick then read Ordinance 76-57 in entirety.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-57.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to suspend the rules to give one section of Ordinance 76-57 second reading.

The rules were then suspended by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-57 by title only.

Clerk Dolnick then read Ordinance 76-57 by title only.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to consider Ordinance 76-57 under divided question as follows: under General Fund - Police Department, from #111, Services Personal, \$2,000 to #37, Other Supplies at \$2,000 be considered separately.

The motion was then divided by a ROLL CALL VOTE of Ayes: 7, Nays: 2. Nays: Councilmembers Olcott and Richardson.

Councilmember De St. Croix moved and Councilmember Middleton seconded a motion to adopt under divided question under General Fund - Police Department, from \$111, Services Personal, \$2,000 to #37, Other Supplies, \$2,000 be adopted and the remainder of the ordinance be tabled.

The above section or Ordinance 76-57 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-58 by title only.

ORDINANCE 76-58
Petition for Regional
Solid Waste District

Clerk Dolnick then read Ordinance 76-58 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-58.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-59 by title only.

ORDINANCE 76-59
Salary Ordinance 1977
Police & Fire Depts.

Clerk Dolnick then read Ordinance 76-59 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-59.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-43 by title only.

ORDINANCE 76-43
Fees for False Alarm
Systems Terminating in
the Police Dept.

Clerk Dolnick the read Ordinance 76-43 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-43.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 76-18 by title only.

APPROP. ORDINANCE 76-18
\$10,000 from Cum. Cap.
to Parks and Recreation

Clerk Dolnick then read Appropriation Ordinance 76-18 by title only.

Councilpresident Blume then read the legislative synopsis for Appropriation Ordinance 76-18.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to approve the Annual Report of the Fire Department as submitted. Unanimous consent of the Council.

ANNUAL REPORT
Fire Department

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to approve the minutes of July 15, July 22, July 29, and August 5, 1976 as submitted. Unanimous consent of Council.

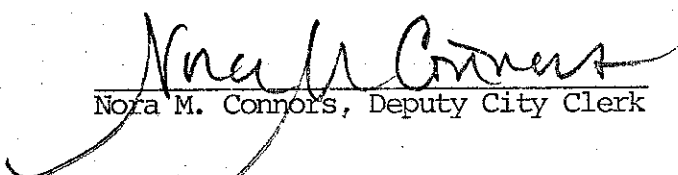
MINUTES
7/15, 7/22, 7/29,
8/5/76

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

APPROVE:

ATTEST:


Clem J Blume, President


Nora M. Connors, Deputy City Clerk