

In the Common Council Chambers of the Municipal City Building held on Thursday, July 17, 1975, with Councilpresident De St. Croix presiding.

REGULAR SESSION
COMMON COUNCIL

Present: Jim Ackerman, Brian C. De St. Croix, Sherwin Mizell, Jack Morrison, Al Towell, and Charlotte Zietlow.

ROLL CALL

Absent: Richard Behen, Flo Davis, Wayne Fix.

City Officials Present: James Regester, Corporate Counsel; Tom Crossman, Planning; Chief Chambers, Police Department; Jan Worley, Deputy City Clerk; Larry Owens, City Attorney; John Komoroske, Council Attorney; Marvard Clark, Engineering.

CITY OFFICIALS
PRESENT

Councilpresident De St. Croix: Councilmembers Behen and Davis will not be with us this evening. It seems that Councilman Fix has been detained. We expect him later. This evening on the agenda, after messages from Councilmembers, Messages from the Mayor, we'll have legislation, Resolutions and Ordinances for discussion, for Second Reading and vote. Tonight we will be considering a Zoning Ordinance, a rewriting of these Ordinances regarding regulation of taxicab licensing, a zoning request for a PUD on the west side. We'll have Petitions and Communications some time between nine and nine thirty. At First Reading tonight, we'll have an amendment to the Noise Ordinance, a rezoning, some parking orders, and we'll be reintroducing 75-42, which was earlier introduced for the community development.

AGENDA SUMMATION

Councilman Mizell: Just two short items. At its Tuesday meeting, the Board of Works approved a change order for the bike path on the east side. They also approved a contract which would extend that bike path from the intersection of the Illinois Central tracks and the Bypass, Bypass 46, up to Tenth Street. Hopefully, construction will be completed in time for school to start so the children from the Park Ridge and Grandview Hills area will be able to make use of that path to walk, to bicycle to University Schools. Also yesterday I received notice from Gary Kent. We had requested the addition of fire hydrants to the Grandview Hills and Eastern Heights subdivisions. In the rush to get them annexed a number of years ago, evidently this was overlooked. Gary Kent has assured me that work will begin in August so that it will increase their fire protection quite a bit.

MESSAGES FROM
COUNCILMEMBERS

Councilman Ackerman: Yes, the Community Resources Committee has met two weeks ago and would like to nominate to the Council the name of Mr. Bill Haynes as the nomination to the Bicentennial Commission.

Nomination to
Bicentennial
Commission
Bill Haynes

Councilpresident De St. Croix: Is that a motion?

Councilman Ackerman: Yes.

Councilman Towell: Second.

Councilpresident De St. Croix: It's been moved and seconded that the Council approve the Community Resources Committees' recommendation of Bill Haynes for the Bicentennial Commission. Do you have any information on that?

Councilman Ackerman: Yes, Mr. Haynes is an architect here in town, and we felt that this would be an important perspective to add to the Bicentennial Commission. He has been contacted and he has expressed interest in serving on the Council. I've got some data here on him that should perhaps have been submitted to the Council in advance, but, are there any questions?

Councilpresident De St. Croix: Do Councilmembers have questions on the recommendation? The motion is to approve the Council Community Resources Committee's recommendation of Mr. Haynes to the Bicentennial Commission. No questions? Council unanimously approves the appointment of Mr. Haynes. Thank you, Mr. Ackerman. Further messages. Jim, excuse me.

Councilman Ackerman: No thanks. I'm sorry.

Councilman Mizell: You're shaking your head like you had a weight lifted from you.

Councilpresident De St. Croix: I'd like to offer two things as messages. Council does not have before it tonight the First Reading for municipal employees due to two reasons. The first one is that the union negotiations are at an impasse. The second one is that we evidently are not communicating too well around here. And now the Council, because of lack of administrative backup here will be forced to have two special meetings for consideration of a Salary Ordinance. So all you folks out there, we'll have to notify you when the First Reading will be. Second Reading will be at a special meeting then that is tentatively being scheduled for July 31, 1975. The Council is required to adopt the Salary Ordinance prior to August 1. So, July 31 is about as late as we can get on that deadline. The next item I'd like to bring up is that an issue was raised about the role of myself as a Councilmember, and I imagine other members of this Council in attempting to fulfill our legislative responsibilities, look seriously at budgets within municipal government. That is not a vendetta against any individual, department head, or whatnot. I speak specifically to the case in point of Mr. Bill Wilson. My concerns for Parks and Recreation have been consistent ever since I've joined this Council. I've tried to present those openly and forthrightly to the community, and I consider myself accountable to this community for those positions which I choose to take. I believe that I present them in a rather upfront manner. It may not always be pleasant, and may sometimes be regarded as marginally obnoxious. But nonetheless, I respect Mr. Schrader's opinion. And I'm just very glad that I don't have the role that he does of having to decide what's right and not having the feedback mechanism of voters in November who can tell me whether or not they concur or disagree with my stand. I'm just glad that I'm not judge, jury, and the whole whootingwax like Mr. Schrader is. That's it. Next on the agenda. Do we have a message from the Mayor? No? Then first item for consideration is Ordinance 75-37. Do we have a motion?

Councilman Morrison: I move that Ordinance 75-37 be introduced and read by the Clerk by title only.

ORDINANCE 75-37
Zoning Amendment

Councilwoman Zietlow: Second.

Ordinance 75-37 was then read by the Clerk by title only.

Councilman Morrison: I move that Ordinance 75-37 be adopted.

Councilwoman Zietlow: Second.

Councilpresident De St. Croix: It's been moved and seconded that Ordinance 75-37 be adopted. Discussion. Do we have the Committee Report here?

Councilman Towell: Mr. Smith, who is here as the attorney for the petitioner, appeared and presented his case for rezoning. We had a slide show as well. And the committee voted three to zero to approve the zoning provided that adequate land was set aside for ingress and egress of traffic. It is out on Whitehall Pike. There is a B.A. zone on one side and a Dairy Queen on the other. We think the adequacy of the road is probably the main issue, and I'm sure that he can speak to that here. We've rehearsed that together.

Councilpresident De St. Croix: O.K. Fine.

Councilman Towell: The committee did approve that three to nothing.

Councilpresident De St. Croix: Thank you. Mr. Crossman, would you like to add anything to that report and then perhaps we can hear from Mr. Smith.

Tom Crossman speaks from the floor: The property, as Councilman Towell noted, is located on Whitehall Pike just off of Curry Pike next to the service station, and before you get to the Dairy Queen coming from that direction. The concerns at the Planning Commission meeting were primarily those of the traffic flow and also of the fact that the property is adjacent to and surrounded by apartment structures. You probably noted that the staff report noted the residential surroundings. On the other hand, the properties across the street and the properties adjacent are at the present time, zoned B.A. commercial. And the Planning Commission voted (I don't have a record of the vote), but I believe it was a unanimous vote to approve the zoning as presented to you.

Councilpresident De St. Croix: Do we have a representative here of the firm?

Mr. Smith speaks from the floor: The property at hand I think has been fairly described as sitting between the Dairy Queen on one hand and the Colonel Gas Station on the other. There is a vacant piece of property, about one half of which we would ultimately propose to use as a Long John Silver site. That's a matter I think to come later in site plan presentations. The piece of property that's there that sits between the gas station and the Dairy Queen is about one third to one half residential. And the other portion, B.A. zoning. When the Zoning Ordinance was passed in 1973, the Dairy Queen wasn't taken into account. And it sits on what is otherwise zoned R.L. or conservancy district, but in fact is being for B.A. purposes. In effect, I think if this is approved, it will

add the entire strip of property from the corner stretching from the gas station down to the Dairy Queen, zoned as B.A. in keeping with its current use. I have some slides here. Three of the members have seen the slides and I won't take up the time right now to show those unless it's requested. But I would point out that the apartments that sit behind this entire strip of property are between the apartments and the strip of property, the apartment parking lot, the trash barrels, a number of dead trees, and a turn-around. So, the pleasant view from these apartments is not over this piece of property, but out the southerly direction from the apartments. And their present view is a parking lot, dead trees, cars, and so forth. And I'll be glad to answer any questions you may have about this.

Council president De St. Croix: Questions from the Council.

Councilman Towell: I should have said that the entrance to the apartments is from Curry Pike.

Mr. Smith: That's right.

Councilman Towell: And that is not a major entrance except for the three commercial establishments on Whitehall Pike on that stretch. So the Planned Unit Development is coming either tonight or two weeks from now and would be the next property beyond the Dairy Queen. And that would take us to the Bypass, is that correct?

Mr. Smith: That is correct. You're talking about the one on the south side of the road?

Councilman Towell: That's right.

Councilwoman Zietlow: I have a question for the committee. Is this presently zoned R.L.S.C.?

Councilman Mizell: No, not this particular...

Councilwoman Zietlow: Mr. Smith referred to this as an actual conservancy zone.

Councilman Towell: Well, actually it's split. No, no.

Mr. Smith: Down in the area of the Dairy Queen which is on the east is S.C. It's zoned S.C. but in fact the Dairy Queen is sitting there. If you just look at a map, it looks like here's B.A. and here's S.C., but in fact there's a Dairy Queen sitting there and we're between that Dairy Queen and the gas station.

Councilman Mizell: There is a conservancy zone east of the Dairy Queen closer towards the Bypass.

Councilwoman Zietlow: That is a sinkhole, isn't it?

Councilman Mizell: No, it's a natural drainage way ditch.

Mr. Smith: But none of our property.

Councilwoman Zietlow: But this wouldn't be affected by that?

Councilman Mizell: No, this is west of that and is not in a conservancy zone at all. It's a swale rather than a ditch.

Councilman Towell: Well, what's in a name?

Councilpresident De St. Croix: Discussion from the floor. Ready for the question. The question is on the adoption of Ordinance 75-37.

Ordinance 75-37 was passed by a ROLL CALL VOTE of Ayes: 6 Nays: 0. Councilmembers Behen, Davis, and Fix absent.

Councilman Morrison: Mr. President, I move that Ordinance 75-39 be introduced and read by the the Clerk by title only.

ORDINANCE 75-39
Taxicabs

Councilwoman Zietlow: Second.

Ordinance 75-39 was then read by title only.

Councilman Morrison: Mr. President, I move that Ordinance 75-39 be adopted.

Councilwoman Zietlow: Mr. President, I move that Ordinance 75-39 be tabled so that we could go on to consideration of 75-28 at the same time. Is that possible?

Councilman Mizell: Second.

Councilwoman Zietlow: I see a problem in the...

Councilman Towell: Can we hold off on the motion a minute until we get the situation explained?

Councilwoman Zietlow: All right.

Councilpresident De St. Croix: Do you withdraw your motion, seconder withdraw, O.K.

Councilman Towell: I'd be glad to have it in a minute.

Councilpresident De St. Croix: The motion on the floor is the adoption of Ordinance 75-39. Could a member of the Council committee on Utilities/Public Facilities give a Committee Report since the chairperson is not here?

Councilwoman Zietlow: Mr. President, I am a member of that committee, Jack?

Councilpresident De St. Croix: Perhaps it would be better if we had Council staff explain it.

Councilman Morrison: Do you mean on the Taxicab Ordinance?

Councilpresident De St. Croix: Is Mr. Bridenbaugh here?

Councilman Morrison: Well, is he going to explain it?

Councilwoman Zietlow: I think the Committee should report.

Councilpresident De St. Croix: O.K., Jack, why don't you give the Committee Report. Then Russ (Bridenbaugh) can fend any questions.

Councilman Morrison: O.K. The Committee Report, as you know, there were just two items that the Committee recommended to be changed. That was to bring the insurance requirements up to state standards, and number two, to insert a ninety-day option clause for offering new licenses to existing franchises, and a ninety-day requirement for implementation of new licenses. And this is the two items we discussed at the Committee meeting to add as an amendment to 75-28.

Councilwoman Zietlow: And going on from there, 75-39 is a much greater extended version of those. Much has been added to that in addition to what the Committee recommended.

Councilman Morrison: Well, 75-39 is a completely new Ordinance. There is just not adding to or taking from. It's just making a new Ordinance, period.

Councilpresident De St. Croix: 75-39 is the result of my request to Council staff to pull from the Council minutes the issues that Councilmembers had raised on this questioning of taxicab licensing in the past. Three years the issues have been raised by Councilmembers of the question of taxicab licensing. This has been an annual point of extensive discussion. Mr. Bridenbaugh, perhaps you can explain where we're at and where we're going.

Mr. Bridenbaugh speaks from the floor: All right, at the last meeting, what happened was that the proposed amendments, and that's all they were, were inadvertently labeled 75-28, when in fact they were just a list of suggested amendments to 75-28. This is what now constitutes 75-39, that list of proposed amendments. And at the last meeting, 75-28 was tabled indefinitely, which in effect kills it.

Councilman Towell: If I may speak to that, that is synonymous with killing it. That's what the motion means.

Councilwoman Zietlow: That was quite a while ago.

Councilman Ackerman: Mr. Chairman, isn't it possible to take anything that is tabled off of the table?

Councilpresident De St. Croix: That is correct.

Councilman Ackerman: So, is there a distinction between tabling something and tabling something indefinitely?

Councilman Towell: Yes.

Councilpresident De St. Croix: Yes, there is a distinction.

Councilman Towell: We can table it, in which case it's available at any time. We can table it to a certain time, then it's available at that time. And we can table it indefinitely, which means it's gone, it's beyond Mars and going outward.

Councilpresident De St. Croix: Although it still can be retrieved. Is that not so?

Councilwoman Zietlow: No.

Councilpresident De St. Croix: Irretrievable, beyond repair.

Councilwoman Zietlow: If this discussion has made this clear, I would like at this time to move to table 75-39 so that we might introduce, rather remove 75-28 from the table and discuss with... 75-28 was tabled indefinitely. According to the will of the Committee as I understand it, it is the wording of 75-28 rather than of 75-39 which reflected the Council's...

Councilman Towell: I'd like to help out the Committee. I've asked the Council Office for a new number and we can introduce 75-28 once again now that we've had additional discussion and worked it out, as 75-45.

Councilpresident De St. Croix: Is there a motion?

Councilman Ackerman: So move.

Councilman Towell: We can bring that up at First Reading, is my suggestion.

Councilwoman Zietlow: Well then, my motion to table 75-39 remains.

Councilpresident De St. Croix: The motion on the floor is the adoption of 75-39. There has been a motion with no second as yet to table 75-39.

Councilman Towell: I'll second it.

Councilpresident De St. Croix: O.K. The motion is to table indefinitely? O.K., heading for Mars. It's been moved and seconded that 75-39 be tabled indefinitely. Discussion of the motion.

Councilman Towell: Well, this isn't really discussion of the motion but, Mr. McNeally, I understand your concern. But I think we have to work by the rules. That's all that's involved here.

Councilpresident De St. Croix: 75-39 is tabled indefinitely. Further discussion?

Ordinance 75-39 was tabled by a unanimous voice vote.

Councilpresident De St. Croix: 75-39 is now on its way to orbit.

Councilman Towell: Not orbit. No, it's a new comet.

Councilpresident De St. Croix: Is there a motion for renumbering of 75-28?

ORDINANCE 75-28
renumbering to
75-45

Councilman Ackerman: So moved.

Councilpresident De St. Croix: O.K. The motion is that Ordinance 75-28 be renumbered 75-45 and that the agenda be expanded to include 75-45. O.K., is that a friendly amendment?

ORDINANCE 75-45
Taxicabs

Councilman Ackerman: Yes.

Councilpresident De St. Croix: Second approve?
Who was the second on that motion?

Councilman Towell: I was.

Councilpresident De St. Croix: The motion is then to expand the agenda to include Ordinance 75-45, which was 75-28.

The agenda was then expanded by a unanimous voice yote.

Councilpresident De St. Croix: Councilman Towell, is it not correct then that that would fall under the Council agenda First Reading sections?

Councilman Towell: Any time we want. But I think that would be more orderly.

Councilpresident De St. Croix: Is that O.K. with the rest of the Council? That's the way we'll do it then. Next item on the agenda is Resolution 75-19. Do we have a motion?

Councilman Morrison: I move that Resolution 75-19 be introduced by the Clerk by title only.

RESOLUTION 75-19
Zoning (PUD)

Councilwoman Zietlow: Second.

Councilman Ackerman: A point of order, Mr. President, shouldn't that be read by the Clerk?

Councilpresident De St. Croix: At First Reading.

Councilman Ackerman: It wasn't was it?

Councilpresident De St. Croix: No, because we haven't come to the First Reading section yet.

Councilman Morrison: This is Second Reading, Jim, on Ordinances.

Councilpresident De St. Croix: That's coming up right after we finish Second Readings, this is the last item on Second Reading, o.k? We're going back to the original Ordinance that you requested. Motion on 75-19?

Councilwoman Zietlow: I move that Resolution 75-19 be introduced and read by the Clerk by title only.

Councilman Mizell: Second.

Councilpresident De St. Croix: It's been moved seconded that Resolution 75-19 be introduced and read by the Clerk by title only.

Resolution 75-19 was then read by Deputy Clerk Worley by title only.

Councilman Morrison: Mr. President, I move that Resolution 75-19 be adopted.

Councilman Mizell: Second.

Councilpresident De St. Croix: Moved and seconded that Resolution 75-19 be adopted. Do we have a Committee Report? Councilman Towell.

Councilman Towell: I'll start off, then I'll ask Sherri (Mizell) to continue. We, as you know, discovered that this could be a Resolution.

Councilpresident De St. Croix: Excuse me. I believe we may have made a procedural error here. Councilwoman Zietlow just pointed it out. We tabled 75-19 at the last meeting of the Council. Should there be a motion to remove from the table? It's also my fault. Could we have a reintroduction of motions on 75-19 to make certain that the parties interested in 75-19 don't have their interests lost because of an improper procedure.

Councilwoman Zietlow: Mr. President, I move that Resolution 75-19 be removed from the table.

Councilman Mizell: Second.

Councilpresident De St. Croix: It's been moved and seconded that Resolution 75-19 be removed from the table.

Resolution 75-19 was removed from the table by a unanimous voice vote.

Councilman Morrison: I move that Resolution 75-19 be introduced and read by the Clerk by title only.

Councilman Mizell: Second.

Councilpresident De St. Croix: It's been moved and seconded that Resolution 75-19....

Councilman Towell: Point of order. We don't have to do that. We took it off the table, it's now before us.

Councilpresident De St. Croix: It's proper, despite the fact that we read it while it was still on the table?

Councilman Towell: Well, we read it last time.

Councilpresident De St. Croix: We don't have to reread it in order to enter into discussion on Second Reading?

Councilman Towell: No. It isn't Second Reading. It's just First Reading.

Councilwoman Zietlow: This is a Resolution.

Councilpresident De St. Croix: Did we read it last time?

Councilman Towell: Yes.

Councilpresident De St. Croix: The item before us is Resolution 75-19. Committee Report.

Councilman Towell: This is a rather embarrassing Committee Report. We discovered that we could treat PUDs as a Resolution, and when the Planning Department presented us with that, we felt that we should have two meetings, so that the public was informed, and there could be appropriate discussion. So, we tabled it at the last meeting. We also scheduled a site visit for the Council. We arranged for a packet of materials to be distributed so that the Council could be better informed. At the last minute, I had an instructor that scheduled a special class at the time of the visit, so I deputized Councilman Mizell to take my place, and he was the only one who appeared. None of the other Councilmembers could make it. I don't know what the situation was. So, I for

one was not as well as I could have been at the Committee meeting. We decided to make no recommendation. We decided that the packet of information was very informative. We'd hoped that Councilmembers would get out there. But I'm not sure of the situation. I'm not sure to what degree they did, whether we are really prepared to act on this tonight. I know that Councilman Mizell is prepared to give a report on the matter, and that we have staff people in the audience who can help too, and perhaps representatives of the petitioners. So the stage is set, but I'm not sure what we should do tonight. I don't know whether the petitioner was actually contacted about this situation before tonight. I personally feel that they have been very good and have treated us with respect. They came to the visit that we did not attend, and we owe them something, certainly some consideration tonight if they are hurting because of our neglect. So that would be my report. Councilman Mizell is ready to present any information you may need, as are other people.

Councilpresident De St. Croix: Do members of the Council feel prepared to enter into discussion on this at this point.

Councilwoman Zietlow: I was ill last Friday morning. I wasn't able to make it, but I did drive around there, and I for one would like to go ahead with it.

Councilman Mizell: This came before the Plan Commission in the normal manner. It received a public hearing at that time. This is a formal request for a PUD designation for the development plan. As you are aware, under the current Ordinance, a development plan is submitted. If it is approved by the Plan Commission, and approved by the Council, then the particular parcel of land can be designated a PUD. After that, the developers come in with a development plan within a period of eighteen months where they set down the nitty gritty and the nuts and bolts, so to speak, of the development itself. That would entail detailed engineering drawings, and so on. This simply is an outline plan of what they propose to do with the property, if they do obtain the PUD designation. This was then sent to the Technical Advisory Committee of the Plan Commission, and there were several concerns voiced by the Committee. One was access, and that is, there is concern because there are three entrance points to Whitehall Pike, and Mr. Crossman can speak to this in a moment, as well as an access point to Curry Pike. There is going to be a considerable amount of traffic funneled out to both of these streets, which would probably necessitate widening of the street. This has been considered by the developers. There has been some concern as to internal traffic movement. But this can be taken care of with the development plan rather than the outline. However, it is a concern. More specifically, there were concerns about the S.C. zone. This had been mentioned in the rezoning petition that we considered just prior to this. That is on the most westerly portion, which is proposed for PUD designation. There is the environmentally sensitive S.C. zone. It's proposed that this be a site for the future drug store, supermarket combination. The staff was concerned that the drainage in that area, plus some of the other environmental concerns were

answered at the hearing. I'm sure we'll have some comments on that. Also, there was some concern that the method of ingress and egress and jumping the gun, there was a discussion, or a preliminary presentation of a first phase of development, which would include a separate structure not included in the total outline plan. It would not be a part of the total mall. There was also some concern by the staff because of that. I think Mr. Crossman will speak to that. Aside from the conservation and the ingress and egress concerns and the first phase, all of these can be taken care of at the development stage. They are noted in the report. The Plan Commission had concerns, they recommended approval unanimously with consideration and satisfaction being obtained for these concerns of the Technical Advisory Committee that the staff has raised. There are concerns on one, the most westerly portion of the land, which is designated for the drugstore, supermarket combination and also what has been proposed prematurely as phase one of the development, and lastly, the ingress, egress. There are concerns as to the width of Whitehall Pike, if it could carry that traffic without being widened.

Mr. Crossman speaks from the floor: Councilman Mizell expressed the opinion that the staff would be able to amplify the comments that he has made, however, I think most of the comments he has made are thorough enough that they're not going to require a great deal of amplification. The concerns that the staff had were precisely those. We do require in the case of any development proposed in an S.C. or an S.C. fringe area, comment and a report from the Department of Natural Resources to determine if in fact that development is appropriate for the land that is potentially a flood area, or whether in fact the land could be built up to an elevation above the flood area and that structures could be put on it. At this point, we have not received information from the proposed developers in regard to that particular segment of the development. Other major areas of concern are the ingress and egress on Whitehall Pike, the total development plan does indicate very clearly a proposal for the widening, four-laning, boulevarding of Whitehall Pike and the channelization of traffic. The major concern then for the ingress and egress is one of forcing a significant number of left turn movement at points fairly close to the Bypass. More specifically, when we get down to the phasing proposals, an additional entrance to the development, which would be even closer to the Bypass would be in the full fledged final development plan. The secondary concerns would be the structure that would have been built independently at first and had the balance of the mall attached to it is a structure that could stand on its own and it wouldn't necessarily have to be part of the entire development. I think that Mr. Ray Lee and members of the Development staff team are here. Perhaps if they would afford me two or three seconds to show you on some of the maps I'm sure that they will present, where these areas of our staff concern are, I won't have to unfold another big map.

Councilpresident De St. Croix: Would the Council like to hear the presentation from the developers now?

Tom McDonald speaks from the floor: Mr. president, members of the Bloomington Common Council. I'm Tom McDonald representing the landowners, the proposed developers, of the site commonly known as the Bloomington Mall on the Whitehall Pike. Most of you have been familiar with this piece of property over a period of years. By its designation right now as a manufacturing designation, more recently as a P.U.D. development within the manufacturing concept. As you know the senior property you're aware of its location at the exit of the west . exit of the 37 bypass, on the west side of the City of Bloomington. It lies approximately equal distance from the center of Bloomington as what does the College Mall lies to the east of the City of Bloomington. The development plan, as all of you can probably recognize that is the City of Bloomington, the red area marked on the map is the proposed area for the development, the green area downtown Bloomington, the yellow area the present College Mall on the east side of town. The area served by the Whitehall Pike primarily, as its road frontage, the area consists of an excess of eighty acres (I think its 83 point some odd acres) of undeveloped land. The south boundary line of the property is the railroad, the east boundary line of the property is the state road bypass, the north boundary line of the property is the Whitehall Pike. The area will not only serve the City of Bloomington, as is believed, more particularly the west side thereof but will also serve the surrounding communities. As Bloomington has developed over the years being a center of retail sales for the surrounding area, primarily because of the bypass connection with State Road 37 and its connection with the east-west, north-south roads that serve Bloomington. To go further into ...well again we've been concerned with this for some time, the owners of the property, which is Myrle Development Corporation the co-venturers in this project, Aliq and Associates and Melvin Simon and associates. I would like to present at this time Steve Morris of Melvin Simon and associates to make the presentation as to the concerns of the co-venturers.

Steve Morris speaks from the floor: Thank you Tom. Good Evening. Mr. Simon had planned to attend this meeting and he was prevented from doing so. He asked me to extend his regards and our appreciation for this opportunity of meeting with you. Melvin Simon and Associates has developed ninety shopping centers across the country and forty of them have been enclosed malls. In this current year 1975 we have already opened 500,000 square foot shopping center in Joliet, Illinois. This month we propose to open an 800,000 square foot enclosed mall in Shreveport, Louisiana. Next month we will open a 1 million square foot two level mall in Wichita, Kansas known as Towny Square and finally in October we will open North Riverside Park shopping center in a suburb of Chicago. North Riverside Park will be another two level mall having a million two hundred thousand square feet of leasable space. Next month we will announce our development program for 1976 and at this time I am prepared only to say that the development program will be considerably more aggressive than that for 1975. Of course this being our home, the Bloomington

Mall will be foremost in our plans for 1976. We have every opportunity to make this project one that we will all be very proud of, we have a beautiful site, ample acreage, we have support from major tenants we have the unqualified support of our national accounts and we have a lot of good people working very hard on the project. If we are to open Bloomington Mall in 1978 as we propose, we really need to get on with our advance engineering, our advance design and we really need to be under construction by the fall of this of this year. We really appreciate your consideration of this project and I cannot stress enough to you we propose this mall as our finest this far. If I may, I'd like to introduce to you at this time Mr. Raymond Lee of Alig Associates, planning coordinators and co-developers of this project.

Raymond Lee speaks from the floor: Mr. President, members of the council. We have a number of view-graph slides here that present different aspects of the development of this shopping center. Mr. McDonald has covered a number of points of basic relationship to the community and I think that its been generally agreed upon that the west side of town is (tape change) ...shopping center and obviously in a period of time subordinate or auxiliary commercial at that corner or other corners. We are concerned that with Bloomington as a total market area reaching much farther in future development than one might suppose, that we can actually infringe into what exists now as a Indianapolis retail marketing area, and certainly pull in all directions from about a 200,000 person population within a thirty mile or thirty minute or so traveling time. Within that total area there is a spending power that approaches 290 million dollars. Its a matter of building something that can for a good part attract far beyond the present limit of the Bloomington retail area. The eighty-four acre track of land as you can see is situated directly west of town on 46 or Whitehall Pike, Third Street and the bypass which without question is going to continue to develop as the leading attraction to future growth in the metropolitan Bloomington area and make it extremely easy to draw from the many residential units now being built in Martinsville and even to the north of Martinsville. Equally to draw from the entire Lake Monroe area or easily into the Bedford area to give a very easily accessible point to the present bypass arterial and to three westward radiating highways. A particular interest and of importance to this shopping center is the Whitehall Pike character as a thoroughfare as a highway it doesn't lead directly to some other manufacturing city or town or major urban point that establishes it as a major semi-truck route and that allows it by agreement of most planners that will give it a character to draw a residential type development and a residential type traffic out west of and beyond the present industrial complex. So we are sitting on a corner that has an extremely good balance of residential and potential residential and all of the north, south, and west directions bordered in a bumper fashion well by existing industry or some existing minor commercial or raw land that is zoned for industrial. We are not faced with a huge traffic movement and large retail patterns

adjacent to established residential areas or across from schools or institutions where there might be an additional concern. A very fine setting, very easily observable and with the traffic engineering we've done to date I think a very justifiable movement of traffic into and out of the property. I'll run through (with your permission) a few of these view-graph slides and point out the salient features of them and call upon our traffic engineer to summarize the work he has done. We were concerned in addition to the points Mr. Mizell pointed out and overall aspect in detail even to this point much more than concept of drainage and certainly equally of the traffic. I have a few aerial photos that I would like to show you first. These photos merely give a few of the relationships of the shopping center site as it is colored in orange here to show along the bypass (37) with the railroad at this point, the Whitehall Pike frontage along here with our access either from this in the form of the three access points already mentioned and an access point to Curry Pike running north and south here. The industry that I referred to here separated from the single family residential (inaudible) the depth of 4 to 500 feet in fact this eastward direction from Curry. Easily viewable is the downtown of Bloomington no more than two miles to the east farther out here a little more difficult to see is the College Mall area, an additional two miles to the east. Looking south we get a view, should get a view (doesn't point out too clearly here) should be viewable all the way to Lake Monroe, again gives us the pattern of residential and presently undeveloped land looking southward but the clear shoot along the bypass for access from all of the Metropolitan Bloomington area. Oddly enough, you are probably fully aware of from looking at the population statistics that the City of Bloomington as you might approximately (inaudible) the center like that half of the county population is on each side of that central north-south point. When we are looking at bypass access we are looking at an access that forms more than a hemisphere for a semi-circular pattern drawn from far north east for south-east very very strong way. The general pattern of the shopping center already referred to several points with the separated super-market and super drug store combination is pretty much a standard pattern now in that super super stores food stores, drugs do not find that they do well in the mall themselves. And are strongly ending to be set aside from the mall where they can be seen and easily be reached and have a more or less separated parking area and not be somewhere where they conflict with the mall traffic itself. There's flexibility there, we would comment on questions raised at this time about this district. We have not investigated past this point that the flood plane, established flood plane, of the ditch that comes through here and also along the north edge of this property will have to be looked at with the water resources people, the conservation department and establish a buildable level and if that is not possible we'll simply have to relocate the supermarket somewhere else on the property. We've established this as the concept plan and while our studies of this plan have taken us considerably past

the concept level, some of it reflecting the more generalized kind of details study, we have the flexibility certainly to relocate the central market Southburg within the pocket on Kyerland and leave this (inaudible) absolutely determined to be unusable in this area which doesn't (inaudible) we would simply move it out of this pocket. The Mall area indicates here three department store centers and a total of about 583,000 people which is subject to change in final design which would give about 325 thousand square people per planned department store... Against the specialty shops making up the remainder... More than ample parking at the present time with area not yet designed for parking and available for expansion or available for some additional buildings. The buildings in front (please note) are well separated and are established at a very large setback uncommon to standard retailing to establish a relationship of an interior type court, double fronted buildings or (inaudible) access from the interior and an establishment of a beautifying frontage pattern not just of Whitehall coming around in and along 37 fronting is shown about interaction of access. The traffic plan shown here in various colors to designate the different aspects of the traffic movement I would like to ask Bill Fehribach, our traffic engineer, who studied this in detail and prepared a report which has been reviewed by the planning staff and he is available and I hope some of you will see him. If you will permit, Mr. Fehribach can summarize this.

Mr. Fehribach speaks from the floor: Thank you gentlemen. My name is Bill Fehribach. I'm a professional traffic engineer, our office is in Indianapolis. When I was asked to prepare this study, I had to first develop a basis, a foundation from which to work and I think a few terms I am using this evening I would like to explain. One of the items to use to evaluate a roadway such as this is the volume capacity analysis, it merely takes the volume of traffic on the roadway dividing by its capacity and coming up with a figure. With the figure 1.00 being the capacity of the street also 0.75 beginning from that to 1.00 is where you begin your breakdown in traffic where your capacity begins to occur. Anything over 1.00 is over capacity and congestion begins to occur. The next item is, when you have a two-way roadway such as exists on Whitehall Pike today, you analyze the volume capacity from both directions at the same time when you divide the highway such as I will get into as we propose to do here, you come up with a volume capacity ratio for each direction. Now with that in mind, I also want to explain we have developed what we think will be the amount of traffic generated by this (inaudible). We have traffic counts furnished by the City of Bloomington on the existing roadways we have added these two together for what we call our peak highway hour. The traffic counts as furnished by the City of Bloomington developed a peak highway hour of 4:00-5:00 p.m. We then added to that the generated traffic for the center. And this is what we call our total traffic. I have also estimated that 70% of the traffic coming

to this center will come east and 10% from the west on Whitehall Pike. Ten percent will come north on Curry Pike and 10% south on Curry Pike. I think is the worst condition that can exist if I am wrong if there is less than 70% from the east this would only reduce the volume capacity ratio. I am going to give you, so this is why I have chosen 70%. I think it is the maximum that will occur and will create the worst possible condition. So that is what I have analyzed. Whitehall Pike today, the existing traffic today has a volume capacity ratio of 1.04. Now I don't need to tell any of you that this is over capacity ratio. Any of you who drive that every day know that it is over capacity. I only mention as a foundation to work from. Curry Pike today has a volume capacity ratio of 0.47. If we widened Whitehall Pike to four lanes today without the shopping center, the east bound would have a capacity of 0.24 and when we add the generated traffic to the center we get 0.37. Remember earlier I said you begin congestion at 0.75. Westbound would have an existing of 0.26 and if you add the center to it you would have 0.44 so with a four lane facility we feel we would have adequate capacity to handle the traffic that is going to be generated by the center and as a result of this I have recommended and they have accepted the developers to furnish a four lane development. The state highway has further added a stipulation that if we do this we must create a full width median 16 ft. for the full length of our project. Where there are no left turn lanes we will have 16 ft. of median, where there are left turn lanes we will have 12 feet of pavement and 4 feet of median. That is how we will use up the 16 feet. We propose a major entrance which is shown as the center green entrance on Whitehall Pike all traffic, left turn traffic, westbound on Whitehall Pike will enter at that point we will provide adequate left turn storage. The state of Indiana has told the developers and the City of Bloomington that if the left turn traffic does as we have predicted, they would authorize a traffic signal at that location. This will be a right in, right out, left in, left out, the western most drive will be a right-in, right-out only no left turns in, no left turns out. The eastern most drive will be the same no left turns in no left turns out, right in, right out primarily a double right out. The Curry Pike entrance will have right-in, right-out, left-in, left-out it will be widened to accommodate left turn lane, passing blisters and decel and accel lanes. I think that is about as much as I can tell you are there any questions?

.Council president De St. Croix: What problems do you perceive with potential bottle necking at the narrowing points of the four lane of the Whitehall into two lanes?

Mr. Fehribach speaks from the floor: At this point I see very little, sir, because we have 70% traffic coming from the east and 70% going back. And only 10% of this total traffic has been projected in that area east and west bound. So I don't perceive a major problem.

Councilwoman Zietlow speaks from the floor: Do I hear you correctly, are you saying the developers are going

to construct a four lane road along there, it will be at their expense were not going to wait for the highway department.

Mr. Fehribach speaks from the floor: This is correct it will have to go through the, be approved, and all that by the highway department but yes, they will pay for it. They realize...

Councilwoman Zietlow: And is the same true with the Curry Pike expenses?

Mr. Fehribach: Yes.

Councilpresident De St. Croix: Is the same true for the signals?

Mr. Fehribach: This center cannot operate with a two-lane Whitehall Pike. It will fail, you can't get the traffic in there, you have congestion there today and people will not drive through congestion to get to a center.

Councilpresident De St. Croix: You don't think there will be congestion prior to the four-lane?

Mr. Fehribach: Sir?

Councilpresident De St. Croix: You don't think they'll be generating congestion just further down from the entrance and exits from the shopping center?

Mr. Fehribach: You have some congestion there and we will add a slight amount to it but it is a very minimal amount. We are not putting that kind of traffic there.

President De St. Croix: How many vehicles will that parking lot be equipped to handle?

Raymond Lee: At this time there are as many as 4100 car spaces. We do not need that many.

President De St. Croix: How many do you anticipate at peak shopping hours?

Raymond Lee: On a weekly basis probably not more than 3500 prior to Christmas there is a week or so that ...

President De St. Croix: You would be full capacity.

Raymond Lee: Could be, yes, but we plan at the present time we have shown that we can handle under the present design a ratio of over 7 automobile spaces per 1000 sq. feet of building material which is one and one half spaces per 1000 above all standard recommending (inaudible) certainly we have reserved space 5.5 spaces per 1000 feet is as much as is being installed in any recent shopping center. (inaudible).

Councilpresident De St. Croix: Thank you. Other questions from councilmembers at this time? Yes Mr. Purcy.

Mr. Purcy: I suppose this has already been worked out and they've certainly looked into it. Whether they have space for this right of way or widen the road they haven't mentioned anything about that but I assumed they have. And have purchased the right of way for widening the road.

Councilpresident De St. Croix: Is that a correct presumption, sirs?

Mr. Fehribach: Yes. Since we own the southside whatever is needed we can get whatever right of way as a part of that.

Councilpresident De St. Croix: That require a turning in the red?

Mr. Fehribach: And its also adequate now.

Raymond Lee: The right of way is shown along this stage in (inaudible) and there is enough right of way now to take the White.

President De St. Croix: It may require slight curvage from the red though to affect the four laning since right-of-way is only on one side of the property.

Raymond Lee: No. We'll be going straight through the best we can tell now from the existing center line ...and it will be widened equally on each side.

Councilman Mizell: The state has enough right of way on the north side of the road for the additional lanes?

Councilpresident De St. Croix: I believe Simon and Associates brought us another mall one time; did you also do the traffic engineering for that too?

Raymond Lee: I would comment on internal circulation of what was brought up by Mr. Mizell as an additional point of concern. The way we separate the traffic here with the main entrances shown in green that Mr. Fehribach referred to, and internal peripheral circulation system that is standard in regional shopping centers to allow maximum movement to the far side of the center entering the parking lot maintaining the possibility of seeing parking as easily as one moves around that edge. Equally establishing good backup base for automobiles approaching at exit point of any and all directions that further (inaudible) by the blue collector street system and is essentially a connection between the (inaudible) circulation route immediately around the shopping center and the outer. The one exception to this being the cross movement that we are proposing here with the driveway because of the depth of that parking lot. We feel that this is adequate with the internal pattern of circulation, can be modified easily enough if its shown or anyone is concerned that we do have inadequate storage space for cars moving out. We were concerned and certainly (inaudible) with the continuous movement of traffic even though it might be very slow as it relates to the EPA pollution control that very much a concern in the establishment of a stagnant light of parts where the emissions really contaminated a strong pattern and therefore we have patterns of continuous movement be there ever slowly we can pretty much satisfy their requirements. Right at the moment it appears that their control of parking and large shopping centers will not be effected immediately, but in any event we were wanting to anticipate. I switch the topic at this point to a very quick view of the area for you of the topography of the center as it presently exists. This is a picture of the contere lines showing the high point approximately along the pencil line with a shallow decrease in elevation to the west and a rather flat area in here with a low point at this particular location along the railroad track where it dips off very rapidly and then arrives back before it dips off into the 37 right of way. The soil above bed-rock is in large part between 15 and 25 ft. thick on this property. At one point on the far left its as little as 9 ft. but for most of this we have an unusual depth to work with and regrading the site for proper drainage and in working with Mr. Hill of the U.S. Geological Survey who determined from his own investigation of the site that we have no cavernous limestone below the site, that the rock base is sound and there are no sinks or solution channels or weak spots that will be likely to develop into any. We are in an excellent position to grade to make use a large part of the present slope to establish certainly a superior drainage plan and

of this which has been studied past the point of a concept actually engineered to the point of majorment of runoff for parking lots building top as we have shown the plans here. Measured upon the hundred year rain, hundred year flood and that runoff if we should have the heaviest anticipated rain expected in a hundred year period would require a retention basic of 10 acres (inaudible) which we have located down in the far corner here, to establish a complete impounding of flood water and a release of it into the present ditch along the west side by the small fifteen inch pipe that would mean that under ordinary circumstances, as the land now exists, the total amount of water that would flow off this property into this ditch at any given period would be reduced with the development of this shopping center and this retention upon the fifteen ft. outlet. One third of what would flow off in there presently is agricultural land so there is no way we will be adding water into this ditch in fact we will be reducing it to 1/3 as it is released slowly and while flowing out of the parking lot (inaudible) entering into and filling the worst.

Councilman Mizell: Could you go over that again. It seems rather strange to me by adding impervious surface to the area, you would be decreasing the runoff.

Raymond Lee: By the size of pipe, Mr. Mizell. At this point we are releasing all water by one fifteen inch pipe. Now notice we have shown here a series of storm sewers under the parking lot that will drain back here along here into this ditch. Even over on the opposite side the present ditch that comes through here to establish a culver under the parking lot from the present ditch and the water that flows through it, but bring all of the surface across that parking lot into the storm sewers so that nothing would flow in there. Then if we impound that total runoff into this length that we can establish a 3 or 4 ft. total depth spread over three or four acres you have ample room to grade that properly. And then release it slowly through a fifteen inch pipe. Now these pipes out here could be as much as 36 inches perhaps less than that, they are not engineered at that point. We have more than ample room for storage and to release it very slowly and you know about what comes out of the fifteen inch pipe, it takes six to twelve hours, but we would be releasing it in a manner that we feel would probably improve the situation down street from this point. By holding that water back, however, this is a system we have been working with particularly when I was with the planning department in Indianapolis on the far northeast side of the town, it was necessary to start at that point we had very clay condition there and over a period of time every apartment project and every commercial project of any size at all came in and established a basin or retention base it began to really slow up the water. It is by this means and as you would do something comparable north of Whitehall that whole line there could ease the wet problem farther down the street. This is the concept of the grading. The only exception

be it on this far north corner, where the slope now is down, and where it was determined by your local engineers that the 36 inch pipe under 37 and the present drainage capacity along 37 on both the west and the east side is more than adequate to have for that limited corner area. You have any questions about this? Obviously this is subject to additional review that we would submit in more detail. This is merely a site plan showing several aspects here that we have worked with in a establishment of circulation of pedestrian traffic, particularly here of the location of a bus entrance on the far side of the center. We've shown here the utility location, the sanitary sewer that presently extends through the property which we will locate, relocate here to this part of the building and go under at this point minimal distance. Sanitary sewer located at this point should there be a desire to use that. Water into the property at this point will have adequate utilities available and existing at the site. The aspect of landscaping shopping center we've treated in a fashion here to give us as much diversity and hopefully attractiveness and interest as possible. Our landscape architect has recently moved to Chicago and could not be here tonight to answer questions. The approach that we worked out with his help was certainly a major frontage pipe landscape harmonious area that would cross the entire property and would permit the standard type office development perhaps shifted somewhat from present location and deeper separation in between buildings as we have shown an example of technical development on this particular corner. The continuation of that landscaping and entire peripheral manner a public parkland on a portion of the site, the wooded site in conjunction with the super market and that would be sized in conjunction with the final determination size of the building. In each one of these sections of parking we have shown a different approach to the landscaping, here vertical treatment with the proposed covered loft from the outer part of the parking to the main (inaudible) it borders an open walk to give a kind of grand entrance and then paralleling a vertical pattern at each end of the... more of the major parking area over to the frontage treatment along 37. This far pocket behind the center, a variation in the slope of parking, to create long islands of landscaping that equally serve to break up cross traffic movement of automobiles coming in at a given point and then traversing as they ought to do at high speed across here. Something I would suspect we've all done at some time or another, this is a safety factor that has also allowed us a large enough space to design in at this proposed bus stop and actual court and walkways and mounding of the landscape where people can wait for bus transportation in a very effective setting thus pulling traffic around to the back side of the shopping center and giving maximum use.

Councilpresident De St. Croix: Excuse me.

Raymond Lee: Yes.

Councilpresident De St. Croix: How far beyond the conceptual stage are these plans? We're familiar with the problems in the cross parking lots, the Simon and Associates mall that already exists in the community has been known for that problem and we have had in the past promises of shopping center development that would have

adequate landscaping, it would have some aesthetic value to the community and it would not generate traffic problems and we've promises made and promises not kept. I'm just curious to how far along in these were you, at the point where we were on the water runoff figurations, or is this dependent upon other factors and whatnot?

Raymond Lee: As long as we are... as we finalize the specific building shapes there should be relatively minor modification to the parking area. Everybody has seemed pretty well satisfied with it, the concept here is pretty definite, it might mean that one of these is widened or narrowed off or relocated somewhat as in this case you can see the kind of staggered approach was taken. I would like to point out, I don't want to precipitate a situation that is being worked upon now, but the College Mall concern I certainly have gone through all this in all the recent shopping centers we have planned in Indianapolis. I know what you're talking about in terms of promises that have been made and haven't been kept.

Councilpresident De St. Croix: Its not just College Mall, you go further down the street to K-Mart

Councilwoman Zietlow: I think this is really a critical issue as we go along this evening. The whole history of what's happened at the College Mall has precipitated much of the friction of this council activity in the area of planning you understand and were going to have more than promises. I'm sure that's clear.

Raymond Lee: I couldn't agree with you more. Let me explain that right now, the planning department of Mr. Crossman and Mr. Reller as a matter of fact have met with the Simon chief architect and engineers who could not be here tonight and the Planning Department has been passed to study the traffic pattern related to College Mall. The interior traffic pattern can decide the parking lot and to propose any changes they feel desirable as well as incorporate a landscape plan in that shopping center. I'm not speaking for that center although I was (inaudible) in '57, I know the area fairly well but I follow the same pattern of shopping centers in Indianapolis when I was in charge of the planning for Marion county. What we saw was an upgrated centers started off and we weren't really thinking in strong enough terms of landscaping. The whole picture has changed now, you don't beautify a center, you don't landscape, you just don't draw the customers and you also don't get approval of the public. Just at what point you stop councils... at what point landscaping if you've done any up to (inaudible) it can be tremendously expensive not so much in the vegetation but in looking at this particular plan. When its necessary to curve custom shape angle parking or planning boxes we've been talking about that a fantastic amount and I think that all anyone would hope here, among us at the development, is that it would jointly work out with the planners a very fine acceptable landscape plan.

Councilpresident De St. Croix: So that we could have a sense of perspective on this I imagine those little green dots in the rear of the parking represent planters. Is that a one bush planter or a four bush planter or what?

Raymond Lee: Let me show you this. We unfortunately have in most cases represent a 40 ft. long and

10 ft. wide. (tape change). This is a typical sketch or a sketch of a typical treatment. There are so many variations that can be used. The main entrance island is the type of island that sits directly in front of the entrance from the street and causes a better distribution and here should have been proportionally shown longer. Some of these could be 50 to 60 ft. long and generally about 10 ft. wide although in many cases they can be reduced within widescaling to 5 ft. and get more than ample planning and rock or (inaudible). This is a typical rectangular island as contrasted to the triangular, with this varying where you have a peripheral road, as in the center plan, that changes its curve and is a type of custom shape in most instances. I emphasize that because that is bad because it is extremely costly. This is the proposed covered walkway bordered by the landscaping on the opposite side (inaudible) of the walk, there is a combination here of trees and shrubs with grass or rock coordination and some of the islands as is the case of some of the larger cases along here this kind of a area or in these triangles this would represent an area of about three hundred people in length and at this point about 50 to 60 feet in width so that we can get in those larger areas some of the mounding that I think is unusually effective, attractive and is coming in to more prominence at this time. Over here we are using much of the present sloping because it has that expansiveness as is one approach of the center but then again this is a matter of carrying out a detailed plan along with the future development and refining of the parking areas. Conceptually we want to block view as the driver comes around here and looks across this. We are putting in front of him, he can see the building but he is seeing through some attractive cultures, as one comes in this center you can see through, see this department store but you can certainly also see some of the attractiveness of large planters. One of the things that we have missed I think in many shopping centers, is not concentrating on fewer but larger planting areas. One small neighborhood center that we built several years ago had many planting boxes but they're so small that once you stand back you can't see them. I would rather have seen a major large planting area out in the center of that neighborhood parking area than I would of up along the building front, but there is a lot of subjectivity along in the landscaping design and the reception, but if you'd like I certainly would be happy to have Mr. Morris state a position about (inaudible) and their treatment on landscaping.

Councilpresident De St. Croix: It may be appropriate to do that after a brief intermission. We've got about one minute left I think on the current T.V. tapes. Do you have anything you would like to sum up before we break?

Raymond Lee: Unless you have a question I'll end our presentation here.

Councilpresident De St. Croix: Why don't we stand adjourned till about 10 minutes.

The council had a 10 minute break and has just resumed the meeting.

Councilpresident De St. Croix: Before we return to our discussion of Resolution 75-19, the Council reserves ^{petitions} between 9:00 and 9:30 for petitions and communications that is an opportunity for citizens to come forth and speak any particular concerns they have.

Do we have any petitions or communications from the floor tonight? None. O.k. lets get back to 75-19 then. I believe we are done with the first part of the presentation at this point. Would Council like to have a reiteration by the Planning Staff of the specific points of concern, Would that be appropriate at this time?

Councilman Mizell: I think it would be appropriate for specifically the departments concerns and technical advisory concerns.

Councilpresident De St. Croix: Mr. Crossman could you present those? Now this is to refresh the Council's recollection of the areas of concern here.

Mr. Crossman: I'll try and stand back at the mike and verbalize the areas I am specifically talking about. The map on the wall there illustrates the shopping center as it is currently designed. The primary area or a primary area of concern as previously stated, is the area where the super market and drugstore is presently located. If you recall Mr. Lee's topographic map there was a convergence of two drainage channels in that area one of which will be designed to fall under their parking area in a case channel and the other would have to be relocated. The area where that structure and the parking area is proposed is presently designated S.C. Conservancy and S.C. fringe area. Prior to the time that any modification can be made from that area we require a comment from the Department of Natural Resources to insure us that no damage will be done that would adversely affect the stream flow or adversely affect potential flood areas that we have designated on the maps at this time. I think that Mr. Lee indicated that when the time comes they will be working with the Department of Natural Resources but at the present time the staff and the technical advisory committee both did have a concern for that specific location. If you also recall the aerial photograph that they had in that area, the area is relatively heavily forested, Now part of that is growth with reasonably significant trees, a balance of it is essentially scrub or small trees. So there is some concern with which area is to be cleared and which area is to have the structures located upon it. A second primary concern that was expressed by the technical advisory committee, was one, for the storage and the provision for traffic movement into the center particularly from the east... that is westerly moving traffic, traffic moving from town and from the 37 bypass. If you recall Mr. Fehribach comments, they anticipated that seventy percent of the total traffic would be approaching the center from that direction. At the time the technical advisory committee expressed their concerns we had some modifications on the design and a larger portion of the traffic was channelled into that area and the turning motion was at the first entrance, or there was a possible access from the first entrance and substantially the concerns that the technical advisory committee expressed, I think has probably been relieved by this present design. In addition I mentioned in the staff report that we had concerns specifically with the phasing. Mr. Lee, Aleg Associates and Simons are not presenting the phasing to you this evening and are only concerned with the total concept. Our concern with the phasing was that it did introduce another drive entrance which would have made four and that drive entrance was too close to the existing drives but as long as that is not being presented or is not going to be proposed it is probably not worth consideration at this point in time. We were concerned that in that same vein, however, that the store that is shown

as the department store standing on the 37 bypass edge of the development was one which in essence could stand on its own if it were initiated in a original phase and not as part of the total development. I think these are the primary concerns that were expressed by the staff and the technical advisory committee, The technical advisory committee concerned itself with a great deal with the drainage problems which have already been resolved and there were a number of other concerns at that time that have since then been pretty well resigned by the developer working with our staff with the City Engineering Department. I might mention that the original proposal for that development was presented to us something like last October or last November so there has been a rather lengthy period of time during which the technical advisory committee reviewed this at least twice, the staff has reviewed it numerous times and there have been numerous changes, not all of them significant changes, but numerous changes to accommodate some of the concerns that were expressed in the original report.

President De St. Croix: Thank You. Questions from the Council.

Councilman Towell: How far is it from the edge of the property where we see four lanes disappearing into to Curry Pike?

Mr. Ray Lee: The frontage of the shopping center property from 37 to the east boundary or the west right here is 1600 feet. We have approximately 400 feet, or a full city block between the 37 intersection and the first exit only driveway 600 approximately to this pipe and 600 additional (inaudible).

Councilwoman Zietlow: And beyond that?

Councilman Towell: And then on to Curry Pike, how much?

Mr. Ray Lee: On to Curry Pike we have I believe about 1000 or 1200 additional feet, this is approximately not accurate. This is an accurate scale here (inaudible) I believe (inaudible)....

Mr. Crossman: My recollection and it comes really from a development that was approved a few weeks ago on the opposite side of Whitehall Pike. The property line shown its a weak line just approximately where the pavement runs from four lane to two lanes is approximately 1100 feet from Curry Pike.

Councilman Towell: Now I know this isn't in front of your property but what are the possibilities of having four lanes all the way to Curry Pike?

Mr. Crossman: It seems to me that.....

Councilman Towell: Can this be worked out with the other property owners or the state ?

Raymond Lee: The general pattern, Mr. Towell is, we have planned as you can see for approximately 200 feet or so pass the edge of the property and the very expense of building a completely new four lane median divided highway is a very costly extension of that another 1100 feet and generally speaking as we have handled it in Indianapolis, as I was associated with it, by additional developments as they were put into use we have gone as far past it as we have felt we

could logically go and do the job but we'll have to do there is literally design from brand new aerial photographs and entirely new thoroughfare and take up what is there at that time of full development. All the way from 37 at the west its something that would be very expensive to extend on and we would hope additional developers of adjacent property could contribute to it along with the state. Bill would you have any specific point to make on it?

Bill Fehribach: Only you get a rough estimate, rough cost estimate, we've found that the cost of that just for our portion is in the range of 350 to 400 thousand dollars. Just for our portion that 1600 feet you've got 11/16 to do the rest of it. You would be pretty prohibited.

Councilwoman Zietlow: Since you're at the microphone already, where does the proposed entrance for the proposed mall on the other side of the road come in relationship to that?

Bill Fehribach: It is approximately 500 feet (if I remember right) west of our west entrance. Closer to Curry Pike that is correct. It would be somewhere in this area.

Councilpresident De St. Croix: 300 feet beyond?

Bill Fehribach: Course this is a concept on ours is to how far we will go. We have to look at what their also doing and it may have to be typed yet I don't know.

Councilpresident De St. Croix: I believe you appeared before this council a few weeks ago...

Bill Fehribach: I did. I did.

Councilpresident De St. Croix: ...regarding that property. Do you view any particular problems having the bottleneck; a fact the decline from four lanes to two or the increase which ever way you are going. Stopping just down the road from that other development that we've just allowed on the opposite side of the street.

Bill Fehribach: No sir. If you recall the report I did for the other development was that the majority of their traffic, since they are a neighborhood center will be coming from the west from the neighborhood that is there today and the area between the two is really a no man's land. They'll have minor traffic from the east, and major from the west and ours is a major from the east and a minor from the west so that in that area...

Councilpresident De St. Croix: Even with the existing congestion now?

Bill Fehribach: You are both going to add, you're going to increase its likely, but the other point you have a unrestricted, there is nothing coming in at that point, so its a free flow movement. There are no driveways at this point to constrict that area.

Councilwoman Zietlow: I realize we are talking about this center this evening but since Mr. Fehribach is a line of communication between the two developments perhaps he can... He remembers that traffic was a major concern when we discussed it and that you can convey our hope that these will be tied together if they ever do get off the ground. I think that is going to be

essential.

Mr. Fehribach: I am continuing to work with the other developers on other projects so I am closely related with them as with these people and I will continue to do that.

Raymond Lee: Ms. Zietlow I would just add, we were in complete agreement that Mr. Fehribach actually take what he had worked with us on and add to that and be the consultant to the other developers so that we might harmonize and coordinate as much as possible. I emphasize that only because often we, its not the policy to have consultants work on projects so related but we did feel as if that was a concern of ours as well and hope we could coordinate it.

Councilpresident De St. Croix: Thank you. Any further questions?

Councilmen Morrison: Mr. President I have a question for the traffic engineer. Your driveway from your parking lot on Curry Pike, what do you propose for Curry Pike on the Bloomington Mall?

Raymond Lee: What do we propose for Curry Pike for the Bloomington Mall? Curry Pike today is 24 feet wide we would retain 2 through 24 foot lanes we, excuse me one in each direction, we would propose a left turn lane and additional third lane for southbound traffic into the site. We would propose additional lanes in this area and in this area for accel and decell lanes again putting 12 foot. So their is some sections in here with the islands that are shown, that will exceed 40 foot of pavement.

Councilman Morrison: I am assuming that you own the land on the east side that we are going to put the extra decell and accel lanes.

Mr. Fehribach: Yes.

Councilman Morrison: You would have to...

Mr. Fehribach: You would have to yes.

Councilman Morrison: I just wanted to remind you of that portion of Curry Pike you are to limits right now, because all of those were given to you by easements when the county rebuilt Curry Pike through there. So I just wanted to see what you would say about that because you gave me a snow job on the other one. I just wanted to see what you were going to tell me on this portion.

Mr. Fehribach: No because at this point, this concept I have nothing on right away up there I didn't have anything on right away either.

Councilmen Morrison: Well I checked into this and I found when the county comissioners improved Curry Pike they had to go and get easements to put in the water basins so therefore if your going to widen Curry Pike you people are going to buy the right of way.

Mr. Fehribach: Oh, this is right, right.

Councilman Morrison: I just wanted to make sure, you know I got a big hassle the last time.

Mr. Fehribach: Not on the right-of-way because I didn't say anything about the right-of-way. Because I didn't know, I do not know today what the right of way

is.

Councilman Morrison: You told me explicitly there is plenty of right-of-way north of Curry Pike to put that third lane.

Mr. Fehribach: No, They told you that.

Councilman Morrison: No, No, you told me that

Mr. Fehribach: I didn't mean to because I don't know....

Councilman Morrison: Because you and I were having a discussion over it so I checked into it and you are wrong. The right-of-way isn't there.

Mr. Fehribach: Well I'm sorry, because I did not even mean to discuss right-of-way because I don't know any of the right-of-way to date that exists on Curry Pike on the south or on the north and if I...

Councilman Morrison: Well sir, you very explicitly told me that there was enough room for the third lane on the neighborhood shopping center on Curry Pike.

Mr. Fehribach: Well I'm sorry if I did, I did not mean to. No way. I do not know now and I did not know that night. Someone else said fifty feet and I said if there is fifty feet that is enough room. Now maybe I said that.

Councilman Morrison: No sir. I remember very well because I checked into this to just...

Mr. Fehribach: If there is fifty feet of right-of-way there is enough room for the three lanes.

Councilman Morrison: But it is not there.

Mr. Fehribach: Now that is another story, I won't comment on that.

Councilman Morrison: So that is what I want to know. Is on this portion of Curry Pike, I am assuming you are going to buy the land for it?

Mr. Fehribach: If it is not there we are going to have to buy it.

Councilman Morrison: Right, Right. I think we understand one another now.

Councilman Towell: I'm am interested in the sort of definiteness there is about the building of this mall and some statements were made earlier that there were some people who were committed to being leasees of space of the mall, but really I'm coming back to whether this project is going to go forward.

Raymond Lee: Yes Mr. Towell, as Mr. Forrest of Simon and Associates talked about.

Mr. Morris : We have commitments right now from the department store tenants as planned. We are not permitted at this time to use their names as a zoning procedure but we have commitments. We also have a series of perhaps 45 or 50 national accounts, shoe stores, clothiers, jewelers that pretty much follow us to whatever development we choose to enter

and we have commitments from those people many who have been asking us for additional space in this market in the last couple of years.

Councilman Towell: Would you go down the types of stores you are planning for, how many large stores and what sizes how many speciality stores.

Mr. Morris: I might have to back out on you on that score. I'm an attorney and not a developer.

Councilman Towell: Well, whoever can do it.

Raymond Lee: The department stores at the present time are subject to some change, are one department store two-story 50,000 sq. foot per story total of 100,000. The one to the south approximately 137,000 square feet and the one on the far east approximately 85,000 square feet. The mall stores range from dime stores approximately 30,000 square feet to pretty much what you see in any mall center. All the way down to the very smallest 1200 square foot stores and the last count we had 75 mall stores committed to the extent of either an outright request for space and an attentive lease or what is referred to as a letter of intent so that we have more than enough to select from and the space within that mall area can contain just about 75 stores considering the standard and typical variation in size. But with the total, the time, could change somewhat of about 325,000 square feet or so of department stores as opposed to 250,000 of mall stores. We have included in that figure some of the buildings or the 60,000 feet, the supermarket and drugstore setting aside there now in its own area and the proposed office for commercial type stores along Whitehall Pike. But we do have a commitment.

Councilwoman Zietlow: First I have a technical question, where are the loading zones in there, is there provision for loading?

Raymond Lee: The loading zones are as best possible designed into the stores in as much a hidden fashion as can be.

Councilwoman Zietlow: There is, these stores are all facing in to the mall, not out, or do they go through?

Raymond Lee: Well, in most cases the stores in a mall are attempted to be a finished design on all sides and wherever possible the loading docks are hidden behind a wall or in a recessed position and we simply have not reached the point of retail of design to have shown them here. We're not in that detail in fact the department stores are often times continually modifying their design even after they are under construction so that they will be designed individually to be as nearly hidden as possible.

Councilwoman Zietlow: Once again we have an example, you know on the eastern side of town, especially the backside of the College Mall where there is no attempt to make....

Raymond Lee: To hide anything.

Councilwoman Zietlow: To hide anything.

Raymond Lee: You can imagine if we're going to try to landscape and design that railroad side of the center as it is generally shown there that every effort would be made to make a loading dock look as unlike a loading dock as possible but sometimes it is very difficult and uh...

Councilwoman Zietlow: Once again I am concerned with guarantees in which we can get to at the time we vote on this. But I also have a question about marketing.

Are we talking about the same sort of selection of stores as we have on the east side? We've received a marketing--we've seen some marketing studies about what is needed in Bloomington it doesn't sound as if this sort of thing is going to meet that need.

Raymond Lee: Well I hope we are going to have a overall balance and a total of 550 to 600 thousand square feet...

Councilwoman Zietlow: Square feet isn't the answer....

Raymond Lee: Yes. But I'm saying all of that square footage, the objective is to get as balanced an offering of goods as possible from the costlier stores, stores with costlier items to stores with cheaper items to meet the full range of income of shoppers and in the typical mall center Ms. Zietlow we would be trying to reach that maximum range and the selection of stores for the entire center pretty much as we see it in most mall centers.

Councilwoman Zietlow: I understand most of these you will be franchising basically with national chains and so forth.

Raymond Lee: Yes, certainly many. Mr. Allig president of Allig and Associates.

Mr. Allig: Thank you. Members of the council in answer to your good question Ms. Zietlow. I think I understand what you are asking, we have a need for an enlargement of what you call your senior department stores. We're short (we feel) that type of space and majors who rank with the finest want more space here, and we have a very fine company that desires a large fine department store which have been, have been through all these plans and are going with us. We just signed, or Simon and Associates just signed, a lease with them in Illinois and here in Indiana, a large Indiana department store which now joined a larger group of stores and I think you'll be pleased with the fact, because we know there is that need. That is what Mr. Lee pointed out earlier. This would pull 35 miles away and even go into the southern Indianapolis area who are now shopping in some of these stores in Greenwood. We will of course have the movie houses. We have both the major movie chains, both want in, but we can only select one or they'll have twin. We have talked with many of your local merchants, you have some very fine ones, and they're on with us and it's a big job putting all the tenants and the tenant mix together. This is, as Mr. Morris stated earlier, Mel is very anxious for this to be his finest. He lives in Indianapolis, he's been down here, an Indiana man. This is owned by Bloomington people. They are leasing to Mel and whereby interested. I wanted to address that question because it's my job to take these calls and coordinate with the Mel Simon and Associates. We've got some excellent companies, some of your best local people, and they will be given prime consideration because the fact the people we are talking to are fine local merchants that know and didn't get a chance to get into College Mall and want to go with us now. I think you all will be very pleased the design. I wish you could have seen the center in El Paso, Montgomery Ward wrote Mel and said it was the finest center they have ever been in and said it was just beautiful. The concept today is so much far ahead planners, builders and everyone from what they were ten or twelve years ago and we have over eighty acres here that sets aside a lot of room so that's a lot of-- in landscaping there is 10 or 15 acres that is pretty high priced ground, and maintenance of it we've planned that in. We know this is going to be a very proud thing for all of us. We all want a success and we appreciate your concerns and we appreciate working with the Planning Department because they are really knowledgeable and have helped us a great deal.

and I know they won't let us break ground out there till they are happy.

Councilman Morrison: I have a question for the gentleman who just sat down. Sir, is it rather uncommon for two large corporations like yourselves and the Arlen Corporation to put two moles back to back in a town the size of Bloomington Indiana?

Mr. Alig: That is a good question Mr. Morrison. We know wherever we go there is competition, and if we worried about competition we wouldn't get very far. We attempt to do the finest work and get the finest track record now this is, Mel Simon and Associates will own and operate this mall. I don't think any developer in the country is building as much as Mel is this year and next year, there are many of the big developers that are practically not building anything, and if they build or where they build fine, that is all the more reason we are going to put the best mall in there. It's going to be the finest and we've got top people going with us, because we don't get the top major stores, which I think Ms. Zietlow was referring to, who give very fine merchandise at the very select level. You don't encourage the other stores, the very fine small shops, the general stores such as you're what we used to call five and dimes. I guess we are going to have to call them 100 and 200's now, but it is a full service, beautiful mall, attractive to go to, attractive to park in covered walkin. Those are very expensive things. This is a new concept, this covered walkin to encourage cars to park far out in the parking lot, because they can walk in under cover to the mall.

Councilpresident De St. Croix: We've been discussing this now for some time I wonder if council could specifically zero in on any last question.

Councilman Morrison: The reason why I asked you this sir, I'm just almost hesitant to vote on this, due to the fact that I'm afraid both malls being back to back, one of you won't build and we'll wind up in the same condition that we had on East Third Street when we zoned land for a motel and we wind up with an automobile agency. As a business man I know I certainly wouldn't go into a mall that was back to back with another mall and I'm sure that a lot of other business agencies would think the same.

Councilman Mizell: Jack, I hope that your feelings are not warranted really, because we are not changing the zoning on this land, we're giving it a designation as a Planned Unit of Development and if they do not come in within an eighteen month period with development plans and if they don't proceed to develop the land that PUD designation can be taken back and the land reverts to its MG zoning. Still zoned MG.

Councilman Morrison: In other words, as we approve this if the development does not go in then it reverts back to its original zoning?

Mr. Alig: That is right. This is just an overlay, we are not changing the zoning, the zoning is still MG.

Councilman Morrison: I thought they were changing the zoning.

Councilpresident De St. Croix: Or just designating it as a (inaudible).

Councilman Morrison: O.K. That answers it.

Councilman Alig : Right now I have been with Mel Simon as recently as a week ago. This mall is going to be built, and others. I don't know maybe they will, and maybe they

won't. We have this to do and whether we want to start this year, if it meets with your approval and your planning and all. We want to please, and we will certainly do anything we can to do that.

Councilman Towell: I am interested in trying to get an idea of the effect of the mall from the local city and one important factor which, I don't know if I'm intruding or not when I ask this, but you can tell me if I am, I want to know how your rental figure per square foot will compare with other things in the city and if you know the answer to that, or if you want to say, I would be very interested.

Mr. Alig: Well at the request of Mr. Towell, now on our major stores the rent gets so high we work a deal where they lease back from us and build their own store and the smaller stores we cannot raise the rents. We are asking the tenants to do more of their interior design; that is the way we have met it.

Councilman Towell: Well the figure for the other west side center was something like \$5.00 per square foot.

Mr. Alig: No I don't think we'll, no we won't have any \$5.00 per square foot rents here, except maybe in the grocery-drugs, it will be much higher.

Councilpresident De St. Croix: Further questions from the Council members?

Councilman Mizell: Well I can't resist the opportunity to put in a plug for the new zoning ordinance since Councilman Morrison raised the question. There was considerable concern about what happened out on East Third and that was taken into account in the zoning ordinance which is just now a little better than two years old, and to insure that we have adequate control over the developments such as the shopping center that was put in on the east side before this zoning ordinance. We came up with this Plan Unit Development concept which gives the Council access to the plans, which gives the Plan Department and the Plan Commission full control through all phases of development. If the development does not occur, it reverts to its original zoning. This is just an overlay zoning and its still zoned as a manufacturing zone but if we approve the outline plan as presented here and if their development plans come in and are acceptable they can go ahead and develop it into a commercial center. If not, having the planned unit designation will not help them. It will still be used as manufacturing.

Councilpresident De St. Croix: Thank you.

Councilwoman Zietlow: I am going to summarize what I have been talking about all evening in terms of guarantees, it seems to me that the concepts have not changed that much in the minds of many of the people and the concept of the College Mall was not so different from the concept of this, but realization, I hope was different. There was no realization of a landscape concept and we unfortunately don't have something like performance bond or any bond, but maybe that is not what we want but we don't have any guarantees that this will actually happen. I know that the Planning Department will be working with you throughout the development of the plans and before the Planning Commission has

approved the final plans, but our history with Mel Simon and Associates is that you can have good plans and good promises and not a reality of those so would like some sort of....we've got this on the record tonight and we've got tapes and they'll be recorded into the minutes. We have something a little more concrete than last time, but assurance from you very directly that these plans, if you go ahead with the project, we will realize that we have more than concepts but trees and bushes and so forth as well.

Councilpresident De St. Croix: Mr. McDonald did you choose to answer briefly?

Mr. McDonald: Yes, I would like to make a response that the development on the east side of town, all of you remember, was done without any zoning at all. The zoning map of the City of Bloomington at that time I think stopped at High Street, and Third Street was the north boundary, and High Street was the east boundary of the zoning map of the City of Bloomington and it came within the zoning boundary of the City of Bloomington within a two mile fringe, brought in so you are talking an almost different ballgame. I know that.....

Councilpresident De St. Croix: That is what we are hoping....

Mr. McDonald: We certainly are talking a completely different ballgame fact of being here What has to take place at this point, and what must take place. The next step and the step after that is a completely different ballgame than what we have all seen as what happened in the last twelve to fourteen years. If the plan does not meet the approval of the Planning Department we can't go.

Councilpresident De St. Croix: Thank you, Tom.

Councilwoman Zietlow: You understand I went beyond plans.

Mr. McDonald: You understand the conceptual plan is there from the next step. Tomorrow they start into the real nuts and bolts of the situation. This must meet the approval of the Planning Department and the Planning Commission which is a different ballgame.

Councilpresident De St. Croix: Thank you.

Councilman Towell: I have a brief response to that. College Mall was two phases and the second phase the extension was done under zoning wasn't it? I remember reading newspaper accounts of it. When I was preparing to run for Council I went back and reviewed it and.....

Tom McDonald: It is my recollection I could be wrong...

Councilman Morrison: Ayrway and K-Mart centers were zoned.

Tom McDonald: ...was brought into the zoning laws in 1967 or 1968...

Councilwoman Zietlow: '67.

Tom McDonald: I believe Ayrway was the second phase you were talking about was actually, construction

about some time around 1966. I think the College Mall main building the construction was finished around 1964...

Councilpresident De St. Croix: '65

Tom McDonald: . . .I could be wrong.

Councilman Towell: Those articles are very interesting, you might get them.

Councilwoman Zietlow: Mr. McDonald did you have something you wanted to say?

Tom McDonald: Ms. Zietlow, I would like to emphasize here that we~~et~~through probably much more planning detail and changes from our first submission, and shows in working with the planning staff and trying to develop these concepts to points where I hope you can see from the plans, are really well beyond a conceptual stage. We have done considerable detail and then generalized upon it, but we have not done detailed engineering, which is this point that becomes a deep investment. The Planned Unit Development you're presently using is very like a variance in terms of its control and simply by a planning and development take-out, the hardship requirement of a variance and whatever the Plan Commission approves as a detailed plan will have to be carried out without any modifications, or we will simply be in violation and subject to enforcement. I assure you the planning we have done to this point past the conceptual, we are very sincere and serious about, and I think I speak certainly, and Mr. Morris can speak for the Mel Simon and Associates. The College Mall situation that I referred to earlier was a recent voluntary act on the part of the Simon Company (tape change) and follow the work with them in conjunction in improving that center in all ways so

Councilpresident De St. Croix: Thank you.

Councilman Mizell: I think most of, if not all of the concerns have been expressed by the Council, are taken care of in either of the specific requirements or the Planned Unit Development concept and Site Plan Ordinance but if not, I would like to offer as an amendment to this resolution that approval, if it is granted be granted, subject to satisfactory resolution of the concerns that were registered by the Plan Department and the Technical Advisory Committee. I have four specific amendments that I would list and the Council can feel free to add if they choose to. Specifically (1) that the drainage problem in the conservancy area be resolved, (2) that the Whitehall Pike area be widened to four lanes with dividers along the entire frontage of the project at the expense of the developer. (3) that Curry Pike be widened to three lanes with divider and acceleration and deceleration lanes along the entrance again at the developers expense and (4) the approval be subject a detail landscape plan, approval prior to construction.

Councilpresident De St. Croix: Do we have a second of the motion?

Councilwoman Zietlow: . . .second

Councilpresident De St. Croix: Its been moved and seconded you know the motion, is there any discussion?

Councilman Towell: Well, I think it is very important that we don't go into this exercise here that we know whether there is any point to it whether there is any legal strength to it. Did our City Attorney just leave?

Councilpresident De St. Croix: No, we have corporate council here.

Councilman Towell: Oh, I am sorry Jimmy I didn't see you. Would you advise on this whether there would be any point in us adding this kind of amendment to our Ordinance?

Jim Register: Well, I would say that it is very important because it would be conditions along which this resolution would be passed even if that . . .

Councilpresident De St. Croix: Thank you.

Jim Register: . . . if that failure to apply would be additional requirements which gives the City and the Plan Commission the right to withdraw approval of this very blueprint.

Councilpresident De St. Croix: Thank you very much, sir.

Councilwoman Zietlow: I would also like to add that we did amend a resolution approving the previous . . .

Councilpresident De St. Croix: That is correct.

Councilwoman Zietlow: . . . the island parking, shopping center in a similar way.

Mr. Crossman: I don't have a copy of the HUD Ordinance in front of me, but I am reasonably certain that the provisions of the HUD regulations afford either the Plan Commission or the Council when the HUD comes before you the opportunity of requesting modifications or conditions upon which the HUD can be developed.

Councilpresident De St. Croix: This is like a precondition, condition.

Councilman Mizell: One last comment, the last time Council will see this is right now, the Council once it approves the outline planning gives approval for the Planned Unit of Development designation gives its approval and its (inaudible) powers over to the Planning Commission so if you have any concerns and wish to add them to the Resolution, now would be the time to do it.

Councilpresident De St. Croix: Thank you, you have covered a great of the area.

Councilman Ackerman: Just a question Mr. Crossman, would these list of amendments also apply to the commitment made in the meeting of the Simon group to adjust the beautification of the parking lot at College Mall and other problems related to that?

Mr. Crossman: I think I steadfastly avoided

mention of the work we are attempting to do on that project because they are two totally divorced subjects and I don't think in any way we can tie conditions for this project upon another project.

Councilman Ackerman: It may be legally divorced but hard to get them apart in my mind. Just other questions to someone in Simon and Associates, has it been your experience, you mentioned a lot of new openings you were going to do in the next, that you are in the process of doing that you did last year. Has it been your experience either one of the two situations, (1) that you were competing with another mall developing group in another town in a town where probably only one mall was going to be developed and the other people finally got it together to the extent that they were able to move ahead, did some of those letters of intent become sort of waivering at that stage. Did you ever have to back down? Did you go to a Plan Commission and a Council and get this kind of approval for this stage of development and then because of the more, whatever, if another development mall went through did you then have to modify your plans and wait? That is the first question. The second question is, have you ever gone to a city roughly this size where again there looked like there was only going to be room for one mall, there were two competing sites and because the city was waivering on a choice and maybe you said, well both of you go ahead and fight it out neither mall site was built or you had to delay a decision on developing the mall?

Councilpresident De St. Croix: Thank you. Sir?

Mr. Morrison: We have had both of those situations arise and both recently. The first situation was in Joliet, Illinois where we went through a planning process very similar to this only to have Arlen announce a major development only a couple of miles down the road. As I mentioned in my opening remarks to you, we opened Jefferson Square in February. It is a very successful two department store 500,000 square foot center. The other situation happened to us recently in Wichita, Kansas where we had two sites, one on either side of town. The local authorities were not certain which site would be the best. They thought perhaps both sites would be good but perhaps one a year or two later. On the fourteenth of August we will open Town East Square in Wichita with a million square feet. In 1976 we will begin the construction of Town West Square in Wichita. Do we have taken the bull by the horns, if you will we are going to develop both rather than back out on both.

Councilman Ackerman: O.K. those are two stories for your side, are their any other stories that. . .

Councilpresident De St. Croix: There are none.

Councilman Ackerman: . . . balance the. . .

Councilpresident De St. Croix: Any further discussion from the Council? Are there any further questions from the Council? Are we prepared for the question. The question is on the adoption of Resolution 75-19, excuse me, the question is on the Amendment, ready for the amendment O.K. Clerk please call the roll, the vote is on Councilman Mizell's Amendment with the four conditions.

The amendment to Resolution 75-19 was passed unanimously by a ROLL CALL VOTE OF AYES: 6, NAYS: 0.

Councilwoman Zietlow: I move that Resolution 75-19 be adopted as amended.

Councilman Ackerman: Second.

Councilpresident De St. Croix: It has been moved and seconded that Resolution 75-19 be adopted as amended is there any further discussion.

Councilman Morrison: In favor of amending or are you going to take a final vote now?

Councilpresident De St. Croix: The motion is to adopt is amended and now we're at the discussion point before we come to the vote on adoption do you have a motion sir or discussion.

Councilman Ackerman: I would just like to read into the record a statement of support for the development from a constituent who was unable to attend tonight as a member of the Bloomington Economic Development Commission and President of the Monroe Advancement Corporation. I urge the Council to act favorably on the West Side Shopping Center, it has under consideration, I was present at the meeting when Arlen Realty received its affirmative action by the Council for the same reason Arlen was given the go ahead I believe this project should be given the same opportunity. Thank you for your time, Sincerely, Richard Rector. Of the Bloomington Economic Development Commission and Monroe Advancement Corporation.

Councilman Towell: Well that almost changes my vote. Its really hard to know as a member of City Council what our responsibilities are in decisions like this. I think we have made considerable progress in the last few years in establishing certain standards for projects and making people live up to that. We've generally said that we will let the market place make other decisions but I feel there are areas that we evidently haven't worked out a rational for that often we need to look at in order to make a decision for the best interest of the citizenry, and I'm saying that I don't think it is appropriate to introduce such things at the last moment, you understand, but I know that in talking with people about the West Side Mall in particular and everyone is interested, they have expressed points of view and concepts about such projects that do not enter into our discussions we need to work out how to do a better job of that, but I am satisfied personally that this project needs the standards that we have raised so far. I'd like to make that explanation

before we vote.

Councilpresident De St. Croix: Thank you.

Councilman Ackerman: I would just like to ask Mr. Crossman if . . . I know that in the budget ^{there is a} considerable amount of money in Planning Department for all those magazine subscriptions that you get. I was wondering if any of these magazines that they might have described some communities where two competing malls, maybe not in which the Simon and Associates, their record seems to be excellent, but I was just wondering if that might be a problem in other communities?

Mr. Crossman: I can't recall any specific references to this sort of competitive situation in the periodicals we received. I think its rather unique in that it doesn't much matter who you are talking to (developers) they can all cite instances where they are in a similar competitive situation and they win the battle. I have never talked to one yet who has lost the battle.

Councilman Ackerman: Strange! But surely magazines talk about losers . . .

Councilpresident De St. Croix: Not if they want to sell magazines.

Mr. Crossman: Generally speaking the periodicals that make the most references to developments of this nature are those such as the Urban Land Institute publication that we receive and some of the house and home publications that we receive, which are more or less development oriented, and they become only concerned with the quality of the development that is actually being built. We don't really get much information on what happens with the losers in such battles.

Councilpresident De St. Croix: Further discussion from the Council? Question is on the adoption as amended? Are we ready for the vote?

Councilwoman Zietlow: I want to add pretty much what Al said, that I think a real concern for the community is the specter of two half full or half decaying shopping centers on the west side and one half decaying shopping center on the east side. I think that is a concern. I don't think that is something we can discuss tonight, but I think it has to be in the minds of the developers themselves and for them to consider the community when they go ahead with their decisions.

Councilpresident De St. Croix: Thank you.

Councilman Ackerman: Just to tie together my thinking on the subject, it seems to me that a decision on PUD, it is as Councilman Mizell already mentions, this is the last time we are going to see this and it doesn't seem to be a land use decision because the land is already being zoned. It's not to the point of a site plan inspection, so it seems to me, what we are really being asked to do is make a vote of confidence in the ability of the developers to come up with a project that we can be proud of in Bloomington. Because of the record of the College Mall area I don't have that kind of confidence. I have seen the addition of the Wassons building which blocked permanently the extension of Second Street to the east, the miserable traffic planning, there was

provision made for a slower run off of the water and all cascades down my way. There are violations of promises of beautification of the parking area, people who follow this, I am not an engineer, I have to do this second hand, but people who have followed this seem to think that the other mall planners have a better project going. I just have to take their word for it and I think as Councilman Morrison has already pointed out, I just can't see how both malls are ever going to get off the ground in this town, so I'm wondering if a positive vote on my part might stall the development of a west side mall which I think everyone in Bloomington would like to see go ahead. Now it seems to me that Simon and Associates has made a lasting contribution to Bloomington on the east side and I wonder if it would be shirking my responsibilities as a Councilperson to cast a vote to let them mess up the west side also. Now the bible says we are supposed to turn the other cheek but I am not sure if we are supposed to turn the other side of Bloomington over to this group.

Councilpresident De St. Croix: Thank you, Councilman Ackerman. Any further discussion, the question before the Council is on the adoption of 75-19. Deputy Clerk Worley please call the roll.

Resolution 75-19 was adopted as amended with a ROLL CALL VOTE OF AYES: 5 and NAYS: 1. Discussion during the vote.

Nay: Councilman Ackerman

Councilman Morrison: Mr. President, I am going to help Simon and Associates spend about 10 or 15 million dollars, I am going to vote yes.

Mr. Chumley: I fortunately have been able to live in Bloomington 30 years and I just want to explain to everyone that I live out where College Mall is too. This is a local business firm and I would like to eliminate a little less traffic out there by putting a mall on the west side of town and we started this eleven years ago and believe me I would like to thank each and every one of you because we are going to settle the situation out there and maybe it will help it.

Councilpresident De St. Croix: I hope so, you've got this one through by the exactly required number of votes.

Mr. O'Brien : The union is here. Would you like them to say anything?

Councilpresident De St. Croix: I think we are fine. Now next Monday night. . .

Councilwoman Zietlow: I think we anticipated that.

Councilpresident De St. Croix: . . . Next on the Monday agenda is introduction of ordinances at first reading. Since Mr. McNeely has been waiting here all this time while we have been mulling it as it were, I wonder if perhaps we could have Ordinance 75-45 first at first reading. Does that sound fine to the Council?

INTRODUCTION OF
ORDINANCES AT
FIRST READING
Ordinance 75-45
Taxicabs

Councilman Morrison: I move that Ordinance 75-45 be introduced and read by title only.

Councilman Mizell: Second.

Councilpresident De St. Croix: It has been moved

and seconded. Ordinance 75-45 be introduced to the Council by title only. It was passed that Ordinance 75-45 was to be read by title only, by a unanimous voice vote of the Council.

Deputy Clerk Worley read Ordinance 75-45 by title only.

Councilman Morrison: Mr. President I know that would be the first reading on this ordinance and I feel that we have put Mr. McNeely through enough grief and time on this business. I would recommend that the Council should bend the rules and pass this on to the second reading tonight.

Councilpresident De St. Croix: Then in order to do that, I think we should have first reading that is read by title only, because by title only first reading requires posting within twenty-four hours.

Councilman Morrison: Well, o.k. then let me reverse my decision then. I move that the Clerk read 75-45.

Councilwoman Zietlow: Second.

Councilpresident De St. Croix: Ordinance 75-45 was read in its entirety as indicated by a unanimous voice vote of the Council.

Councilman Ackerman: I would like to move that Council waive the rules and introduce this for a second.

Councilman Morrison: I move that the Council suspend the rules on Ordinance 75-45 and have the second reading tonight.

Councilman Ackerman: Second.

Councilpresident De St. Croix: Ordinance 75-45 be introduced in the second reading Council agrees to this suspension of the rules, Is their discussion of the motion?

Councilman Towell: Well, a major consideration in my mind when we do anything like this is whether the public has been expecting a discussion on the merits of a particular proposition and I think in this case we can say that they have had ample warning because I think that most people thought that was actually what we were going to do tonight. The fact that a Council Committee decided they liked the first ordinance after it had been killed, is the only reason why we had to reintroduce it at First Reading. So, I think this is a justifiable case of suspending the rules.

President: O.K. Further discussion.

Councilman Mizell: I would like to underscore what Councilman Towell has said. I myself am constitutionally opposed to waiving the rules to consider legislation at the time of its first reading. And I would not support this motion except for the fact that this is the second time that it has been before us, (third time) I'm reasonably confident that the public has had adequate knowledge, and the persons who wish to respond to this particular ordinance, we're expecting a discussion anyway, and would be in the audience.

Councilpresident De St. Croix: Further discussion? The motion is on the expansion of the agenda, (carried unanimously), Ordinance 75-45 is placed on the agenda at second reading. Do we have a motion?

Councilman Morrison: Mr. President, I move that Ordinance 75-45 be introduced and read by the Clerk by title only.

Councilman Ackerman: Second. (read) Ordinance 75-45 was then read by title only.

Councilman Morrison: Mr. President, I move that Ordinance 75-45 be adopted.

Councilman Ackerman: Second.

Councilpresident: It's been moved and seconded Ordinance 75-45 be adopted. Discussion?

Councilman Ackerman: I would like to move an amendment that item six of Ordinance 75-45 be stricken. And I'll speak to it if I get a second.

Councilwoman Zietlow: I'll second it to hear him.

Councilman Ackerman: It seems to me that the City of Bloomington has no capabilities of determining when additional taxicabs are needed. And it seems to me that the language as stated, gives an exclusive right to the present cab company to have first crack at that rather than giving it, allowing free enterprise to continue. I am opposed to that section. All the rest of that I see as perfectly fine.

Councilpresident De St. Croix: If I might offer a brief response. I don't think that whether or not we feel we're experts on the requirements, we are given the responsibility for determining whether or not there should be taxicabs here. We give no licenses, there are no taxicabs. If we give 100 licenses, there are 100 taxicabs, if we give 11 licenses, there are 11 taxicabs. So by default, if not through cognitive process, we are determining the needs of the community in relation to taxicabs. I think that one can address your concern regarding a guaranteed expansionist franchise merely by amending the wording of this. Instead of saying the city will offer said new licenses to the owner of existing city licenses, the city will notify owners of existing city licenses as to potential issuance of new licenses. Such current licenses having a period of ninety days

in which to submit bids beginning on the day of postmark on the letter of offer. I have some questions also of the wording in terms of the terms bids, in that there is no bidding process. We do not sell medallions in the city, and we do not sell them at competitive basis. There is a flat rate for the registration of vehicles. I don't know where we got bid from.

Councilman Towell: Application?

Councilpresident De St. Croix: But I think your question can be addressed without striking. . . it's probably an important statement in terms of guaranteeing that we aren't going to all of a sudden wipe out, much the same way as we're talking about two malls here. Two malls by allowing both to come in when we can only support one. We make those decisions all the time, Jim. It may not be, I feel, out of expertise, but we do it.

Councilwoman Zietlow: In terms of licensing, I think we raise a question of other sorts of licenses that the city grants. And should we get into the determination. . . Is there any limit, for example, We grant licenses to barbers, right? and plumbers, electricians, is there any limitations? Did we. . .

Councilman Morrison: I think you are right on this. I think what we should have this subsection six read, if the city of Bloomington determines that additional taxicabs are needed in Bloomington, then a license for new cabs should be issued, the City would notify. . .

Councilpresident De St. Croix: Right.

Councilman Morrison: Right. Such current licenses having a period of ninety days in which to submit application. I never noticed the word bid because, I mean you could not use the word bid because you're not bidding on anything.

Councilpresident De St. Croix: Right.

Councilman Ackerman: Just for Council's enlightenment, may I read a list of activities that Council issues licenses for?

Councilman Mizell: How do you mean levitate?

Councilman Ackerman: Well, we may levitate.

Councilpresident De St. Croix: Levitates, eleviates, delete, whatever it does, let's do it.

Councilman Ackerman: Barber shops, auctioneers, itinerant merchants, dealers, taxicabs, jitneys, secondhand dealers, dance halls, circuses, airplane exhibitions, balloon ascensions, ropewalking exhibition, theatrical performances, leger demand, boxing and wrestling matches, carnivals, fire-and-bankruptcy sales, dogs, plumbers, electricians, museum pawn brokers, shooting galleries, skating rinks, theaters, opera houses, pool halls, bowling alleys, lunch wagons, merry-go-rounds, astrology, palmistry, phrenology, life-reading, fortune telling--telling, cartomancy, clairvoyance, crystal gazing, hypnotism, mediumship, prophecy, augury, divination, magic, and necromancy. Strike a blow for necromancy.

Councilwoman Zietlow: I'd like to commend the Council aid on his thoroughness.

Councilman Towell: I forgot what I was going to say.

Councilpresident De St. Croix: Councilman Ackerman do you still stand by your earlier amendment?

Councilman Ackerman: Yes.

Councilpresident De St. Croix: The question is on the deletion of item six. Are we prepared to vote on that? Clerk please call the role. Now we're voting on the amendment that is to delete section six. Motion fails by a ROLL CALL VOTE OF AYES: 3 NAYS: 3. Councilmembers Towell, Mizell and De St. Croix opposed. We are back to baseline zero.

Councilman Morrison: I would offer the amendments as I proposed a while ago to subsection six, which would clear it up.

Councilpresident: All right so it would read now, do we have a second to the motion?

Councilwoman Zietlow: Second.

Councilman Mizell: State the motion.

Councilpresident De St. Croix: It has been moved and seconded. The motion now reads, "If the City of Bloomington, now determining through it's legislative process that additional taxicabs are needed in Bloomington, that a license shall be issued, the City will notify owners of existing city licenses. Such current licensees having a period of ninety days in which to submit application beginning on the day of the postmark of the letter of offer, of notification."

Councilwoman Zietlow: That licensee did have an S. on the end of it, didn't it? It was plural?

Councilpresident De St. Croix: Yes.

Councilwoman Zietlow: Good.

Councilman Ackerman: Mr. President, just a question. That seems to me sort of changes that do not significantly alter the substance of the . . . that section.

Councilpresident De St. Croix: There is a difference between offering somebody a license and notifying somebody of a license, there is a difference between making, submitting an application and submitting a bid. I think both of those changes in particular are substantive.

Councilman Ackerman: O.K.

Councilman Towell: And then determining the process.

Councilwoman Zietlow: Determining the process is also rather significant.

Councilman Towell: Instead of the royal we.

Councilpresident De St. Croix: Because that could have been the Pope. It is also papal we. Further discussion? Clerk, please call the role. Ordinance

75-46 is amended by a ROLL CALL VOTE OF AYES: 6
NAYS: 0.

Councilman Mizell: Mr. President, I don't think it requires an amendment, but I do think it requires some housekeeping. I don't see that sections five and six are legitimate parts of the application. In section one, you talk about an application which contains the following: one, two, three, four, five, and six. The application portion ends at four and under five, Chief of Police will inspect the vehicles, and six, the City will determine whether or not you really need one.

Councilman Ackerman: That is part of the application process, isn't it?

Councilpresident De St. Croix: That application comes to us, which we then have to approve.

Councilman Towell: We have to certify those things.

Councilpresident De St. Croix: So their application has to have been certified by the Chief.

Councilman Mizell: O.K.

Councilman Morrison: I move that Ordinance 75-45 be adopted as amended.

Councilman Towell and Ackerman: Second.

Councilpresident De St. Croix: It has been moved and seconded. Discussion?

Councilwoman Zietlow: Yes, I have another amendment here.

Council Ackerman: (whisper) Where did you get it?

Councilwoman Zietlow: From this committee, to add an additional paragraph which would read, in the event of the issuance of any new license, the licensee should have his vehicles in service within ninety days from the date of issuance. I'm sorry. Could we, could Councilman Morrison perhaps withdraw his. . .

Councilpresident De St. Croix: You can amend again.

Councilman Morrison: She can amend it again.

Councilman Towell: Then we can have another motion?

Councilman Morrison: Another motion, sure.

Councilpresident De St. Croix: We can be very profunctory.

Councilman Ackerman: Seconded.

Councilpresident De St. Croix: It has been moved and seconded that we add a seven, is that correct, Councilwoman Zietlow?

Councilwoman Zietlow: Yes, either that or, since we're leaving the numbering for five and six, yes.

Councilman Towell: Is it acceptable to the amender to say, or license shall lapse at the end of that?

Councilwoman Zietlow: Yes.

Councilpresident De St. Croix: Would you restate the motion?

Councilwoman Zietlow: O.K. I move that Ordinance 75-28 be amended to include section seven which would read, in the event of the issuance of any new license, the licensee shall have his vehicles services within ninety days from the date of issuance, or the license shall lapse.

Councilpresident De St. Croix: O.K. there is the motion. Second approves that?

Councilman Ackerman: Second.

Councilpresident De St. Croix: Further discussion? Clerk call the role. The amendment is adopted unanimously by a ROLL CALL VOTE OF AYES: 6 NAYS: 0.

Councilman Morrison: Mr. President, I move that Ordinance 75-45 be adopted as amended.

Councilman Towell: Second.

Councilpresident De St. Croix: It has been moved and seconded. Further discussion?

Councilman Ackerman: Mr. President, I'm afraid I still have questions with this Section Six imagining how that would happen. I'm a businessman and I've finally decided that Bloomington can use ten more cabs and a little more competition, and I've got the money to start. What do I do? Do I come to the Council with my application?

Councilman Morrison: Send in the license to the City.

Councilman Ackerman: But then what happens? Is the other cab company notified that ten new licenses are applied for, and then what?

Councilman Morrison: You can start any separate you so desire if you have the financial backing, you can put twenty cabs on the street if you bring it before this Council.

Councilpresident De St. Croix: If the Council approves it.

Councilman Ackerman: Yes if the Council approves it. But what is the Council's action visavis the other cab company is what I'm asking?

Councilpresident De St. Croix: They are notified when application is made and they recieve a ninety-day application period in which they can apply for those additional licenses prior to the institution of any new additional licenses. Mr. McNealy has requested this in order that he can go to a bank and say look, I'm not going to come up here one day and get a \$50,000, well I don't know whatever amount. That is just pulling it out of the sky, folks, I have no knowledge about Mr. McNeal y's banking transactions. If there is going to be another cab company coming in here, I'm going to have another crack at it. so that your note to me to maintain my fleet which I've got on the road now is not going to be washed out because of undercutting or oversaturation of cabs in the community. What it

does do is put the ones back on the body which makes the decisions as to granting licenses in the first place, as to whether or not we should grant additional licenses. An example of this is what this Council went through in considering whether or not to allow a second franchise in this community for cable television. We may not be experts in these areas not, but by law, it is our responsibility.

Councilman Ackerman: Mr. Chairman, on what basis are we to make that decision, whether they comply with insurance rates, the thing that is established by the state or a personal preference for one company, or. . .

Councilpresident De St. Croix: I would hope it would be made the same way that we've always made decisions, and that is based on the best interest of the community.

Councilman Ackerman: With the . . . Say the number is twenty with the idea that either the Yellow Cab Company is going to get twenty new ones or the other guy.

Councilwoman Zietlow: I think I understand Councilman Ackerman's concern of how and what considerations, and so forth. But I do think that that's a sort of thing that we always have to run into as you decide. I mean we're determining day in and day out. And we can't write that into this Ordinance. We have to assume that we'll work out our ways of determining that when the time comes. We have determined a process. I would say though that the application, I feel it should be specified to where the applications should be submitted, or to whom.

Councilpresident De St. Croix: Mr. Komoroske, does the code as constituted now prior to this amendment indicate, is Mr. Bridenbaugh here? Oh, I'm sorry I couldn't see you Russ. Does the code as now constituted prior to this amendment, and if adopted after this amending, specify the application process?

Councilwoman Zietlow: No.

Mr. Bridenbaugh: Presently? Yes it does.

Councilpresident De St. Croix: Yes, it does. Will it after this?

Mr. Bridenbaugh: Would you restate that one more time?

Councilpresident De St. Croix: Specify the application process.

Mr. Bridenbaugh: Yes I believe you have a copy of. . .

Councilwoman Zietlow: I'm about, if we would amend it to include a specification, it would. But as it is, it wouldn't.

Councilpresident De St. Croix: There is no specification now?

Mr. Bridenbaugh: For applying?

Councilpresident De St. Croix: Yes.

Mr. Bridenbaugh: No, there is. That is what you have there. That is based on the actual codes section.

Councilman Towell: May I speak to this point? I think the answer to the kind of question we were getting at is no. On the other hand, where do you apply if you want an Ordinance passed? We have said through the legislative process. It obviously has to come to the Mayor and the Council. And we have to start it in one of our meetings.

Councilpresident De St. Croix: O.K. that answers the question. Further discussion?

Councilwoman Zietlow: Mr. President, would it clarify things to spell that out?

Councilpresident De St. Croix: Well, let't get a motion.

Councilwoman Zietlow: I move that Ordinance 75-28 be amended. . .

Councilpresident De St. Croix: Forty-five.

Councilwoman Zietlow: I'm sorry 45 be amended in paragraph six, section, paragraph six to read to make application to the Common Council, rather than to submit bids. That's. . . We've already said to make application but to make application to the Common Council?

Councilman Towell: Second.

Councilpresident De St. Croix: It's been moved and seconded that the wording of section, subsection six, section one read ninety days in which to submit application to the Council.

Councilman Mizell: Mr. President, if I'm reading correctly, Ordinance 75-45 states under section one, any person desiring to operate a taxicab etc. etc. file a signed application form in writing, sworn by the applicant with the Common Council, which application shall show the following.

Mr. Bridenbaugh: I believe that's fairly clear.

Councilwoman Zietlow: And I believe that your previous statement that five and six not necessarily parallel to sections one through four was correct.

Councilpresident De St. Croix: The motion on the floor is to amend six, to spell that application again if there is some question about parallel construction. O.K. that merely sews up the entire interlacing of the subsections under section one.

Councilman Towell: If there is no substantive changes, why don't we just consider that as housekeeping?

Councilpresident De St. Croix: O.K. can we deal with that as a housekeeping measure? Do you withdraw the motion and the second?

Councilwoman Zietlow: Sure.

Councilman Ackerman: O.K.

Councilpresident De St. Croix: All right, the motion on the floor is then the adoption of 75-45. Do we have a motion for adoption as amended?

Councilwoman Zietlow: Mr. President, I move that Ordinance 75-45 be adopted as amended.

Councilman Morrison: Second.

Councilpresident De St. Croix: It has been moved and seconded Ordinance 75-45 be adopted as amended. Is there discussion?

Councilman Ackerman: I'm voting for this with the understanding that this votes the interpretation under section six does not prohibit the Council, or force the Council to continue backing simply a one-cab company in the City of Bloomington.

Councilpresident De St. Croix: Ordinance 75-45 as adopted unanimously by a ROLL CALL VOTE OF AYES: 6 NAYS: 0. Mr. McNeely, you have your Ordinance. Thank you for your patience.

Councilman Morrison: Mr. President, I move that Ordinance 75-43 be introduced and read by the Clerk by title only, or do you want it in its entirety?

ORDINANCE 75-43
Amendment to the
Noise Ordinance

Councilman Ackerman: Title.

Councilpresident De St. Croix: Title.

Councilman Morrison: By title only.

Councilwoman Zietlow: Second.
Ordinance 75-45 was then read by title only.

Councilman Morrison: Mr. President, I move that Ordinance 75-40 be introduced and read by title only.

Councilpersons Zietlow and Towell: Second.
Ordinance 75-40 was then read by title only.

Councilman Morrison: Mr. President, I move that Ordinance 75-38 be introduced and read by the Clerk by title only.

Councilman Towell: Second.

Councilman Mizell: Mr. President, before we do that could we just have Mr. Crossman explain where this parcel of property is located?

Mr. Crossman: The property involved in Ordinance 75-40 is on the site of the Bloomington Country Club. Some years ago, the Planning Commission and Council concurred in establishing a P.L. zone for a condominium project on that site. This request is an approximately one-acre extension of that property for light expansion of that project.

Councilpresident De St. Croix: Ordinance 75-43, the one which preceded this one, is an ordinance to amend the municipal code known as the noise ordinance, for a special permit. And it allows the Mayor to authorize civic event permits. Permits would be limited to hours between seven a.m. and twelve midnight. They would be allowed to be issued for not longer than one day, and they would not be renewable. Evidently the Council will not be able to deal with this issue until the next Council meeting.

Council Ackerman: Is this the so-called Fun City Ordinance?

Councilpresident De St. Croix: This is an attempt to cease the selective enforcement of the Noise Ordinance.

Councilman Towell: I was planning at the end of the first readings, to move to suspend the rules to consider that. (End of side)

Councilman Morrison: I move that Ordinance 75-43 be introduced and read by the clerk by title only.

Councilpersons Towell and Mizell: Second. (Read)

Councilpresident De St. Croix: This is a reintroduction of an Ordinance that had been considered by the Council and was tabled that effects the merger of the Planning Department, the Engineering Department, and the Redevelopment Department into an overall administrative unit to be known as the Department of Community Development.

Councilpresident De St. Croix: Do we have a motion to expand the agenda to include Ordinance 75-46?

Councilman Towell: Mr. President, I'd like to move to suspend the rules to consider Ordinance 75-43 at second reading.

Councilpresident De St. Croix: There is a motion to expand the agenda.

Councilman Morrison: Second.

Councilpresident De St. Croix: Seconded for 75-43 at second reading. All those in favor signify by saying aye.

Councilman Ackerman: To suspend the rules?

Councilman Towell: Suspend the rules.

Councilman Ackerman: Is this for a discussion of that?

Councilman Mizell: You've got to suspend the rules in order to get a discussion.

Councilman Ackerman: Aye.

Councilpresident De St. Croix: O.K. Now, do we have a motion for introduction at second reading?

Councilman Ackerman: Now wait. I was voting, I would like not to suspend the rules. When do I vote on that?

Councilpresident De St. Croix: Right now.

Councilman Ackerman: I think I'm opposed to that.

Councilpresident De St. Croix: The motion on the floor is to expand the agenda to allow a second reading, to suspend the rules, therefore allowing the expansion of the agenda, thereby allowing to include a second reading of Ordinance 75-43. Is that a correct statement?

Councilman Towell: We're just suspending the rules to go on and consider this at second reading.

Councilpresident De St. Croix: O.K. that's

the motion. I'll call for the call again.

Councilman Towell: There can be discussion. If it looks like there is a doubtful person in the house.

Councilpresident De St. Croix: Prior to the vote? Would you like to discuss it?

Councilman Ackerman: Can there be discussion of this before we vote?

Councilman Towell: Yes.

Councilman Ackerman: My concern is I haven't studied it. And it seems that we've worked awfully hard on this Noise Ordinance. And I would hate to see us vote a huge gap in this because we are coming up with something at quarter of eleven at night that we haven't really considered.

Councilpresident De St. Croix: The Ordinance we are discussing says that the Mayor may authorize civic event permits. These permits should be limited to the hours of seven a.m. to twelve midnight and shall be issued for not longer than one day and shall not renewable.

Councilwoman Zietlow: Mr. President, do you want to speak to suspending the rule on this, or does somebody want to speak to it?

Councilman Towell: I do.

Councilpresident De St. Croix: I was merely illucidating on this question of not understanding it.

Councilwoman Zietlow: There's obviously some history that is not immediately evident.

Councilman Towell: Well I don't know all the history. But i do know that the Noise Ordinance has not been enforced basically. And that there have been several instances of people coming down to Kirkwood events at the behest of ship captain, evidently, so the story goes. And perhaps on a complaint.

Councilpresident De St. Croix: Yes there have been complaints, and the Police Department only enforces based on a complaint.

Councilman Towell: And the claim is that the if there is a complaint, then it has to be enforced. That gets the police off the hook. They say that this time there was a complaint. All those other times, we didn't have a complaint and we're not going to act otherwise, or something like that. At any rate, that's the general outline. I understand there is something planned for this weekend.

Councilpresident De St. Croix: In other words, were there a complaint prior to second reading of this, it would be conceivable that a streetdance or a community activity, or a block party, as a matter of fact, an item such as the firing of the cannon for the bicentennial freedom festival could occur, because if a citizen were to complain it would be in violation of the Noise Ordinance. And Chief Chambers and his personnel would be required to stop that event.

Councilman Towell: And Basically what this does

is say that the Chief elected official of the City will make such decisions. And of course, he'll have to answer for this, I presume. So, it takes again the police out of the decision making picture on this and I think that they would like to be relieved of this responsibility.

Councilpresident De St. Croix: Is that true, Carl?

Chief Chambers: Yes.

Councilpresident De St. Croix: Does that answer your question, Councilman Ackerman?

Councilman Towell: That is what it does. Our Committee did consider it at our last meeting.

Councilman Ackerman: That is what I was going to ask. Is there a Committee Report on that.

Councilman Towell: Yes, we saw what it was and voted three to nothing to pass.

Councilman Ackerman: O.K.

Councilman Towell: And it's there on your sheet.

Councilpresident De St. Croix: Further discussion? The question is on the suspension of rules. The rules are suspended. Do we have a motion for introduction at second reading?

Councilman Towell: It's my interpretation that all we need is to have a motion for adoption.

Councilpresident De St. Croix: O.K. Is there a motion for adoption?

Councilman Towell: I move that we adopt Ordinance 75-43.

Councilman Morrison: Second.

Councilpresident De St. Croix: It has been moved and seconded Ordinance 75-43 be adopted.

Councilwoman Zietlow: Yes I was just asking our Council aid Mr. Komorske to explain the difference between the proposed special permits and the, I mean, the civic event permit and the special permit, the definition of it. Do you want to speak to that, John?

Councilpresident De St. Croix: I believe the special permit can't go beyond 9 p.m.

Mr. Komoroske: Councilpresident De St. Croix is correct in that. Right now there are three sections. The introductory section says that the Mayor can grant permits, Section A. says that he can put any limitation on it that he would like to put on it. Section B. says that he can give a temporary permit, but that can go only until 9 p.m. at night unless the Mayor declares an emergency. I don't think he would want to do that for a street dance. Section C. is for special permits, and those are for equipment. They are maintained in good order. I imagine something like a piledriver, so that the person doesn't have to apply each time he wants to use the pile driver. We add Section D. which would allow these events to run from 7 oclock in the morning to allow for community market and other things, till twelve oclock at night, which is a little more appropriate, I imagine for some things like dances

clock parties, whatever. Some civic events.
O.K. Any questions?

Councilpresident De St. Croix: Thank you, John.
Further discussion. Clerk please call the role.
Ordinance 75-43 is adopted unanimously by a
ROLE CALL VOTE OF AYES: 6 NAYS: 0.

Councilman Towell: I move we adjourn.

Councilman Ackerman: Wait, we've got another
Ordinance.

Councilpresident De St. Croix: Is there a motion?

Councilman Ackerman: Mr. Chairman, I move that
we expand the agenda to include what is it,
Ordinance what, 75-46, Salary Ordinance.

Councilman Morrison: Second.

Councilpresident De St. Croix: It has been
moved and seconded that the agenda be expanded
to include at first reading Ordinance 75-46,
Salary Ordinance. It may be appropriate to
give a brief explanation. The Council has not
received a Salary Ordinance for consideration.
A Salary Ordinance that must be adopted at second
reading no later than twelve oclock or I guess
11:59 p.m. July 31, 1975. Because this process
has not occured, the Council would be required
not only to have a special meeting on July 31,
but to have a second special meeting to allow
for introduction, allow for advertisement and
posting, etc. of a Salary Ordinance. I think
there are a couple of points that should be brought
out. The Salary Ordinance we're proposing
to amend is the same Salary Ordinance as last
year's.

Councilwoman Zietlow: Introduce.

Councilpresident De St. Croix: Excuse me, introduce.
That can be amended at second reading. The Council
has the power to amend downward, the Mayor has
the ability to propose upward amendments, and
Council then can accept, reject, or delete or
reduce those requests. They may not increase
it. This is not an attempt on the Council's
part to thwart the negotiating process, or to set
a negative tone in terms of the ongoing negoti-
ations. I think it is an attempt on the Council's
part to act in a proactive and not put the Council
in the bind it has faced historically of scurrying
and hurrying at the last minute to meet other
people's timetables and other people's resolution of
issues and coming to the Council on the twelfth
hour and saying, now it's yours, do it. If the sides
currently negotiating are not capable of coming to
an agreement or effecting a compromise, then by
law, the previously existing Salary Ordinance would
still be in effect, and we couldn't change that.
So we are not in fact taking any sort of legislative
step that would introduce a new element should the
ongoing negotiations not come to resolution. That
is the attempt and the intent at introducing this
at first reading.

Councilman Towell: Well I am opposed to introducing
this at first reading, as I already indicated
to Brjan. And my reasons are briefly that I
don't think we can. It is the Mayor's prerogative
to introduce a Salary Ordinance. Secondly,
I believe that it would be an intimidation factor
on the union and on City workers in general. So,

and while I have that chance to say I think that the Council has kept a very firm silence in relation to negotiations, that's not been true of other parts of the city. And I'll just break my silence to the extent of saying that I do not believe that a cost-of-living escalator clause would in any way hamper the City in future negotiations, and there are some red hearings being drawn across the trail. But I do believe that this would be an ill advised act tonight. And for that matter, while I have a chance, I do believe that our wages and, prices, our basic economic indicators are tied to the national economy in a very real fashion.

Councilpresident De St. Croix: I'd like to restate my request to the Council to consider this at first reading tonight as not an attempt to intervene in, or intimidate, or prejudice, or in any way effect the ongoing negotiations. It is an attempt to take the Council from the position of having to react to other timetables and other senses of priorities and responsibilities within government, specifically the executive office. If the Council does not receive a Salary Ordinance in time for adoption on the 31st, then what we are proposing tonight at first reading will in fact be lost. The Council does have the power to introduce legislation. We are not creating this legislation. We are merely indicating to the community that in two weeks time, we will be making a final determination on the salaries. That indications are being made equally both to the executive arm of government and the unions with which they are negotiating. I believe it is an open-handed even across-the-board statement. That's what you're going to have. I believe that is responsible action by the Council because that is the truth.

Councilman Mizell: I find myself this evening, in a position, in the same position that Councilman Fix finds himself in many times, in that I agree pretty much with what Councilman Towell has said. But I also feel that we have an obligation to the community to advertise an Ordinance as important as a Salary Ordinance with same timetable that we use for our other Ordinances. And that is two weeks. And July 31 is two weeks from tonight. And as long as everyone is perfectly clear that the Mayor who would normally introduce a Salary Ordinance has the ability to recommend an increase in the profile wages, and the Council shall retain its powers it's always had, to only reduce. We're in the same boat.

Councilman Ackerman: Since this is a motion that demands a unanimous vote, and I don't think we are going to get it, . . .

Councilman Towell: No, it's a majority vote.

Councilpresident De St. Croix: No it's a majority vote, to expand the agenda.

Councilman Towell: We're not taking it to second reading. We're just taking it on the agenda.

Councilman Ackerman: Excuse me, then I'll withdraw.

Councilpresident De St. Croix: It does require five votes, however.

Councilwoman Zietlow: It seems to me that this is

a bit idle, however, because the discussion of advertising within two weeks is meaningless. We have the Salary Ordinance as public information anyway from last year. And the real salaries for next year, we're going to have to wait on them anyway.

Councilpresident De St. Croix: I hope that this would encourage the Mayor to . . .

Councilwoman Zietlow: What I was worrying about is that in this case we wouldn't even get them one day ahead as we had to in the past. But they would wait until second reading to bring the amendments.

Councilpresident De St. Croix: I may be incorrect, but under the adopted procedures of this Council and it's committee system, it is a requirement that the Council Committees have the opportunity to review fully matters brought to this Council prior to its final resolution by the Council. And I would presume the members of this Council would feel ill-served if they received information at such a late period of time so as not to be capable coming to a realistic and soundly balanced policy decisions that in fact are involved in such a thing as a Salary Ordinance. And were that to happen, I imagine the Council could have the option of merely implementing the Salary Ordinance as introduced at first reading. So it may indicate the seriousness to the Mayor for this Council receiving ample leadtime in consideration of any recommendation his office would make regarding any changes in the 1974-75 Salary Ordinance.

Councilman Towell: I believe whether our intentions are to do so or not, we are creating bad morale by introducing this tonight, if we do. Bad morale among the City employees and I think there are enough factors in the City right now that have, that have introduced bad morale, and I don't want to add another one.

Councilman Ackerman: Question.

Councilpresident De St. Croix: The question is on suspending the rules. Why don't we take a role call on that.

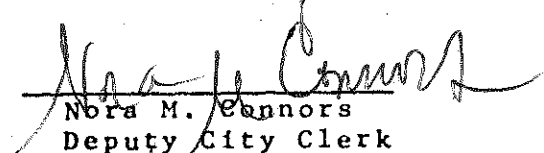
Councilwoman Zietlow: No, it's on expanding the agenda.

Councilpresident De St. Croix: Excuse me, I mistated the motion. (Councilmembers Towell and Zietlow opposed. The motion fails due to lack of constitutional majority), Do we have a motion for adjournment?

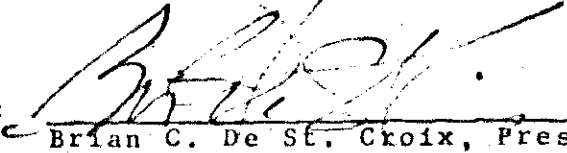
Councilman Ackerman: So move.

Councilpresident De St. Croix: Meeting is adjourned.

ATTEST:


Nora M. Connors
Deputy City Clerk

APPROVE:


Brian C. De St. Croix, President
Bloomington Common Council