

In The Council Chambers of the Municipal Building, on Thursday, January 17, 1974 at 7:30 p.m., with Councilpresident James S. Ackerman presiding.

REGULAR SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON
INDIANA

Present: Jack Morrison, Alfred Towell, Brian De St. Croix, Wayne Fix, Charlotte Zietlow, Sherwin Mizell, Richard Behen, and James Ackerman

ROLL CALL

Absent: Hubert Davis

Ted Najam, Administrative Assistant; Bruce Wackowski, Human Rights Commission; James Register, Corporate Counsel; Rasoul M. Istrabadi, City Engineer; Tom Crossman, City Planner; Stewart Reller, Senior Planner; Richard Gose, Chief of the Fire Department; Tim Hodenfield, Aide to Board of Works; Chief Carl Chambers, Chief of Police; Grace E. Johnson, City Clerk;

CITY OFFICIALS
PRESENT

About a 100 other people including members of the press

OTHERS PRESENT

Councilman De St. Croix moved that the minutes of the Council Meetings of January 3, 1974, January 7, 1974, and January 10, 1974 be approved as distributed. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Minutes

1/3/74 1/10/74 1/7/74

Councilman De St. Croix moved that the Agenda be amended to add Resolution 74-4 and that the order be changed so that Appropriation Ordinance 74-1 be the first item to be considered. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

NONE

MESSAGE FROM THE MAYOR

Councilman Behen congratulated Councilpresident Ackerman on his position as the new Councilpresident

MESSAGES FROM
COUNCILMEMBERS

Councilman De St. Croix moved that Appropriation Ordinance 74-1 be introduced and read by the clerk. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Appropriation Ordinance
74-1
Housing Code Enforcement

Grace E. Johnson, City Clerk, introduced and read Appropriation Ordinance 74-1 in its entirety.

Councilman De St. Croix moved that Appropriation Ordinance 74-1 be adopted. Councilman Towell seconded the motion.

Councilman Behen said that he had been assured that this is not the creation of another Department. He has high hoped that when the Engineering

Department next year submits its budget that this will be taken into consideration.

Ted Najam explained that all Councilmen have received through the mail an explanation of where the money has come from. He explained that the money for this program came from the payment of Indiana University to the City of Bloomington in place of taxes on the Popular Research and Conference Center. At the time the University acquired the Populars, a condition for that purchase imposed by the state budget agency, was that the University would pay to the City of Bloomington, to the Monroe County School Corporation and to the County a sum of money over the period of four (4) years on a formula basis in order to ease the transition of having that building removed from the tax rolls. The money for this program comes from two (2) years. (The unspent balance of last year together with the receipts for this year.)

Councilwoman Zietlow ask if the City Engineer would explain the structure of the Department in light of this new appropriation.

Mr. Rasoul M. Istrabadi explained that they have had to sacrifice some of the Engineering Department to do the job of housing inspections. That the Redevelopment Department could not continue the operation. There will be a division in the Engineering Department. It will not be a separate Department. He will only hire one new inspector.

Councilwoman Zietlow asked if this would relieve some of the building inspectors to just inspect buildings?

Mr. Istrabadi explained that if this Ordinance is passed there will be two (2) inspectors that will do only inspections of apartments, old homes, dormitories. That will mean that the Engineering inspector that is to say the plumbing inspector, building inspector, electrical inspector are going to keep doing their normal routine work. In the past they have done Housing Code Enforcement every Wednesday.

Councilman Morrison asked if these men are knowledgible in all the relevant areas.

Mr. Istrabiade replied that they should be. In areas that they are not they have the assistance of our expertise in the Engineering Department.

Councilman Morrison said that Building Inspectors should be competent in carpentry work, masonry work, and electrical work. The salaries are adequate to get people competent in this work.

Mr. Istrabadi explained that we have very competent men but that they are very highly specialized in their area.

Mr. Istrabadi continued to explain that they are not going into homes but rather into apartment complexes with complex heating systems, air conditioning systems. Inspection in some of these areas requires expertise.

Councilman Towell clarified that the housing inspections were not just for the Landlord Tenant Ordinance. There has been a Housing Code since 1968. There was a mandatory inspection ordinance before the landlord tenant ordinance. These things were not enforced. This is the kind of program that we should have had a long time ago to preserve the stock of housing in Bloomington.

Councilpresident Ackerman asked if the staff supplied by this Appropriations Ordinance would be sufficient.

Mr. Istrabadi replied that it is sufficient and that he will be able to produce the work that is required.

Councilpresident Ackerman asked if there was going to be one man to do the inspections or will there be specialist for everything?

Mr. Istrabadi answered that there will be one man doing the inspections unless he needs the assistants of one of our specialists.

APPROPRIATION ORDINANCE 74-1 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 7, NAYS 0.

Councilman De St. Croix moved that Ordinance 74-1 be introduced and read by the clerk by title only. Councilwoman Zietlow seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-1
Zoning

Mr. Tom Crossman, Planning Department, explained that this ordinance is introduced as a correction of the zoning of a piece of property that was originally thought to be a piece of Dyer School. It was later found that it was in fact privately owned at the corner of 17th and Maple. The request is passed on by the Planning Commission to zone the front portion of the property for commercial use and the rear portion of the property for multi-family use. The detailed staff

reports will be forthcoming prior to the second reading of the ordinance

Councilman De St. Croix moved that Ordinance 74-2 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-2
"No Parking Zones"

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-2 in its entirety.

Councilman Towell questioned whether this 90-day order had been in effect longer than 90 days. He indicated several of his constituents had questioned the procedure we have been using. He asked Chief Chambers to report on the procedure at the next meeting.

Councilpresident Ackerman indicated that this would be well publicized, and urged any who wished to speak to attend the next Council meeting.

Councilwomen Zietlow moved that Ordinance 74-3 be introduced and read by the clerk by title only. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-3
annexation

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-3 by title only.

Mr. James Register explained that this is an ordinance that seeks to have annexed to the city seven acres of property located on the west side of High Street, south of Hillside Drive, north of Bloomfield Road. It is a request for voluntary annexation by the owners of the property.

Councilman De St. Croix moved that Ordinance 74-4 be introduced and read by the clerk by title only. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-4
annexation

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-4 by title only.

Mr. James Register explained that this is property of less than a 1/2 acre of ground. It is on the north side of Bloomfield Road and west side of Quarry Lane. It is asked to being rezoned by the Moose Lodge.

Councilman De St. Croix moved that Ordinance 74-5 be introduced and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-5
annexation

Grace E. Johnson, City Clerk,
introduced and read Ordinance 74-5
by title only.

Mr. James Register explained that
this is a request by the Corporation
that operates what is known as
Pancho's Villa. It is part of lot
6 and all of lot 7 of the Miller
Courts Addition. It is an area
that the legal department has been
working on for some time to get
annexed to the city.

Councilwoman Zietlow moved that
Ordinance 73-81 be introduced and
read by the clerk by title only.
Councilman Towell seconded the motion.
The motion was carried by a unanimous
voice vote.

Ordinance 73-81
Creating a
Commission on the
Status of Women

Grace E. Johnson, City Clerk, introduced
and read Ordinance 73-81 by title only.

Councilwoman Zietlow moved that
Ordinance 73-81 be adopted. Councilman
Towell seconded the motion.

Councilwoman Zietlow said that Ordinance
73-81 is an ordinance establishing the
Commission on the Status of Women.
Mrs. Zietlow indicated she had 50 pages
of statistics from the Department of Labor,
which states clearly some of the problems
women have in the labor market and in other
areas of their daily lives. In Monroe County
over 50% of the working force is women.
Women have a very low average wage in
Monroe County, about the lowest in the state.
Mrs. Zietlow expressed concern for the
increasing unemployment among women
in the city. Mrs. Zietlow indicated
that this ordinance had been criticized
because it would draw from tax money.
Mrs. Zietlow explained that the people
who drew up the ordinance at no time
were hopeful enough to think that the City
would appropriate tax money for a Commission
on the Status of Women. However, there are
a number of grants available from the
Department of Labor and from other
organizations which could be obtained
for this Commission. Any funds that
would be received from external sources
would have to go through the appropriations
and expenditure procedure that any funds
received by the city would have to go through.

Councilwoman Zietlow moved that Ordinance 73-81
Section two paragraph one be amended to read
in the third sentence, "diverse educational,
employment, economic, business and community
services elements of the community."
Councilman Mizell seconded the motion.

Councilwoman Zietlow said that the purpose
for this was to make quite sure that there would
be adequate representation from all economic
elements of the community, low income, high income,

and middle income.

The motion to amend Ordinance 73-81 was passed by a ROLL CALL VOTE OF AYES 7, NAYS 0.

Councilwoman Zietlow moved that Ordinance 73-81 Section 2, paragraph two be amended to delete both the first and the last sentence. Councilman Towell seconded the motion.

Councilwoman Zietlow explained that this is an indication on the part of the drafting committee that residential requirement should not be made and also that they have full confidence in the Mayor's appointments.

The motion to amend Ordinance 73-81 was passed by a ROLL CALL VOTE OF AYES 7, NAYS 0.

Councilwoman Zietlow moved that Ordinance 73-81, section 2, paragraph three be amended to delete sentence one. Councilman Morrison seconded the motion.

Councilwoman Zietlow explained that this is also a residence requirement.

The motion to amend Ordinance 73-81 was carried by a ROLL CALL VOTE OF AYES 7, NAYS 0.

Councilwoman Zietlow moved that Ordinance 73-81, section two (2) paragraph (4) be amended to read, "In order that the concerns of both women and men shall be adequately represented on the commission, at least 1/4 of the commission be men." Councilman Towell seconded the motion.

Councilwoman Zietlow explained that there is some question that requiring a majority of any kind of person be it a man or a woman would be discriminatory. Especially when it was an exclusive sort of thing.

Mr. Rodney Wild stated that it seems conceivable that you could end up with a commission on women with 12 men according to the wording of this amendment.

Councilwoman Zietlow asked Human Rights Commission attorney Bruce Wakowski to explain the legal question involved.

Bruce Wakowski said that he raised this problem when the original ordinance had designated the majorities of people as one particular sex. He suggested that a sexual preference for membership not be incorporated in the ordinance and if both sexes were desirous of being represented on this commission, it would be perfectly

appropriate for it to say that the commission shall be made up of both men and women. His suggestion was that the members appointing the people to the commission should be more or less left with the traditional choices of who to put on the commission as long as both sexes were represented.

The amendment failed for a lack of a majority by a ROLL CALL VOTE OF QYES 4, NAYS 3.
NAYS: Behen, De St. Croix, Mizell.

Councilman De St. Croix moved that section two paragraph four be amended to read "In order that the concerns of the total community be adequately represented on the Commission, the Commission membership shall include both women and men." Councilman Mizell seconded the motion.

The motion to amend Section two, paragraph four was carried by a ROLL CALL VOTE OF AYES 7, NAYS 0.

Councilwoman Zietlow moved that Ordinance 73-81 Section four be amended in the preamble in the following manner; to delete "to do all things necessary" and also to delete "the duties imposed upon it by this ordinance" and to insert in that place "the aims and goals as defined in this ordinance." It now shall read "The commission shall have power and authority to carry out the aims and goals as defined in this ordinance including but not limited to the following. . ."
Councilman Towell seconded the motion.

Councilwoman Zietlow explained that "To do all things necessary" was very vague and also it is unnecessary. The words "the duties imposed upon it" refers back to section three which is entitled "Aims and Goals" and which defines specifically what the ordinance hopes to accomplish.

The motion to amend section four in the preamble was carried by a ROLL CALL VOTE OF AYES 7, NAYS 0.

Councilman Behen moved that Ordinance 73-81 be amended by deleting section four, number 2.
Councilman Morrison seconded the motion.

Councilwoman Zietlow asked for an explanation.

Councilman Behen explained that he found that various commissions that have been created in the pass in all branches of government tend to cost an extreme amount of money. He explained he felt the Commission would be too expensive for the City.

Councilman De St. Croix suggested that if the intent of the amendment was to prevent

the creation of an office for the Commission on the Status of Women that Section one should be deleted. He further explained that no money could be expended without approval of the Common Council.

Councilman Behen indicated that he had no reservation about changing the amendment to embrace both paragraph one and two of section four.

Councilman Ackerman asked Councilman Behen if he was changing his amendment to include both paragraphs one and two.

Councilman Behen asked Councilman Morrison if he would withdraw his second. Councilman Morrison withdrew his second.

Councilman Behen made a motion to amend Ordinance 73-81 to delete in section four number one and number two. Councilman Morrison seconded the motion.

Councilwoman Zietlow said that she was not so foolish to think that the Council or the Mayor would appropriate funds for the Commission on the Status of Women at this time. The Department of Labor and a number of foundations are interested in women's problems and there are grants available. In order to receive these grants the Commission would have to have the capability by order of the ordinance to employ an executive director.

Councilman Towell said that this was the heart of the discussion. The difference between a Commission and a Task Force is basically that there would be some continuing aid or staff that would carry through in a better way than a voluntary task force would.

Councilman De St. Croix indicated that he would vote against the amendment. He reminded the Council that no money could be appropriated for this Commission except by the Council at a later date. He preferred to leave the Ordinance as originally submitted so that it would be possible to fund it at some later date if the Council so desired.

Councilwoman Zietlow asked Councilman Behen what the function of the Commission would be as amended.

Councilman Behen said if the women feel as strongly as they do and can form a commission and be active within the community and prove they need funding at some later time he probably would not be opposed to that.

Councilman De St. Croix said that is exactly what the ordinance allows for now. Councilman De St. Croix pointed out that section four paragraph one says "to establish and maintain a permanent office in the City of Bloomington when the Common Council has appropriated funds for such an office."

Mr. Ed Kubaitis spoke against the amendment and in favor of the Ordinance pointing out that the Man Power Task Force report indicated there was a need in this area. He felt the Commission should be funded.

Councilman Towell referred to the Mayor's message urging defeat of the ordinance which read in part that a Commission should not be created "until we have more fully utilized the existing administrative framework resources." Councilman Towell asked for an explanation of exactly what administrative framework resources would be used. The question was not answered and Councilman Towell said that he understood the silence as admission of the invalidity of the criticism that existing administrative resources are there to supply the need for the City. Mr. Ted Najam, Assistant to the Mayor, indicated that he did not feel it was an admission of anything. He indicated he simply was not authorized to say anything beyond the Mayor's statement.

Gloria Enguidanos spoke against the amendment and for the ordinance pointing out the difficulty of having a working Commission without a staff.

Rev. Ernest Butler spoke against the amendment and for the Ordinance pointing out the necessity of having a staff for this sort of Commission.

The motion to amend Ordinance 73-81 was defeated by a ROLL CALL VOTE OF AYES 2, NAYS 6. AYES: Morrison, Behen.

Councilman Towell moved that Ordinance 73-81 be adopted as amended. Councilman Fix seconded the motion.

Councilwoman Zietlow said that the Mayor feels the functions of the Commission on the Status of Women more properly belong with the Human Rights Commission perhaps assigned to a subcommittee of that commission. She explained the Human Rights Commission has very specific powers and duties which deal mainly with legal protection and legal rights within the community. She explained, she perceived that a Commission on the Status of Women would not get into the legalities, rather it would do this ground work which perhaps ultimately would get problems to the Human Rights Commission by revealing patterns of employment which were perhaps discriminatory. She indicated she had conferred with Mr. Wakowski of the Human Rights Commission about the possibilities of over lapping and did not think it a real issue.

Mr. Fred Horning, Community Action Program, spoke for the Ordinance on the part of the CAP Board.

Ann Stoddard a member of the local chapter of the National Organization of Women, spoke in favor of the Ordinance.

Mrs. Emily Wade spoke in favor of the Ordinance indicating a need for study of the needs of women in the Community and the services available to them. She felt women would be more responsive to a Women's Commission than they would be to any other group.

Councilman Towell indicated that he felt at this time it was necessary to create a Commission outside the structure of city government or the existing administrative structure. He hoped in the future we would have the reform of local government that would bring these concerns into the structure. But at present it is necessary to have something like this commission.

Councilwoman Zietlow reported when the National League of Cities met in early December the Director of the Women's Bureau of the Department of Labor addressed the Mayor's from all over the United States her main message was that they go back and establish municipal commissions on the status of women to do exactly the sorts of things outlined in this ordinance.

Ms. Libby Cocchiarella spoke in favor of the Ordinance.

Mrs. Natalie Christoph spoke in favor of the Ordinance emphasizing the problems of mature women in our community.

ORDINANCE 73-81 WAS PASSED BY A ROLL
CALL VOTE OF AYES 6, NAYS 2.
NAYS: Morrison and Behen.

Councilman De St. Croix moved that Ordinance 73-85 be introduced and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 73-85
Rezoning

Grace E. Johnson, City Clerk, introduced and read by title only Ordinance 73-85.

Councilman De St. Croix moved that Ordinance 73-85 be adopted. Councilman Morrison seconded the motion.

Councilwoman Zietlow said that she would like to hear about the Traffic and the Utilities Services out in Fountain Park including a statement about the condition of the lift station break down.

Councilman Towell said that he would like to make sure that the statements and promises from the previous discussions especially those promises concerning P.U.D. were covered. He questioned whether the land is in the city or not and what the attitude is toward annexation. He questioned if the pumping stations were completely under the cities control. He questioned whether there would be an entrance on 10th Street, what sidewalks, what recreational facilities, how many units are planned, whether there is any mixture of use planned, and what additional facilities besides dwelling units are planned.

Councilman Ackerman asked to hear the need for zoning new properties RH. He questioned if there was a market for additional multi-unit housing.

Attorney Frank Barnhart spoke, representing the developer, Mr. Howard Young. This evening while reading the paper I was interested to read in the local paper about the comments of council president Ackerman concerning

the hopes for the future of the Council and the City Government. I thought some of the remarks were very apt to the petitioner. A very interesting remark was one in which he complemented the Mayor on the selection of competent department heads, each of whom has recommended that this petition be granted. There was a remark that one of the needs of the city was to look for new jobs, new ways to create new jobs, and I submit that a project of this magnitude will create, for a period of three to four years, 150 jobs itself, which is equivalent to a small industry. It will eventually provide permanent employment for as many as 30 or 40 years for a much smaller group of people, but a permanent salary of the type that is very desirable in the community. It is not seasonal and it is well paying as compared to many jobs. The third remark that caught my attention was that there was a need for low and middle class housing in this community. A project of this type, which would be classed probably somewhere in the middle range, would satisfy part of that remark, and would further the construction of apartments of this high quality and price range. These units will attract people from other and less desirable units and therefore create low cost housing itself, merely by the cycle of people moving to improve themselves. So this particular project as we presented it better than a year ago has 312 units. And again let me reiterate that we have no intention of going beyond that and in all probability we will stay a little under.

Councilman Towell has indicated he is concerned about our remark about PUD. I have today reread all of the records. We do not retract any promises or statements that we made before. In fact we affirm them. Now PUD by your new ordinance, which was adopted after that statement was made, is a little different than I comprehended PUD. My remark then was honest and I intend to reaffirm that remark. We do not intend to have a mixture of land uses to the extent the now existing PUD ordinance contemplates, because I did not contemplate that at the time I made that remark. My remark may become inaccurate by new definition, but it was accurate at the time. The spirit of the remark was to have PUD type density. We did indicate quite clearly that we were thinking of 300 multiple housing units plus or minus a few and one single housing unit which is the existing Alexander home and which would be retained for the resident manager for the project. There has been no change in that regard.

Now among these department head reports we have had PAC consider this, the Utilities Board and the Board of Works. The Utilities Engineer, and the City Engineer have considered this particular problem and they have made affirmative recommendations. The Utility Department has run their own check on the pump stations. It reflects that the pump station is running at 50% capacity on the south plant. The Utility Department indicates that of the savings created by the pump station here south of the Municipal Building, this project would utilize 1%. Assuming the savings would be 100%. In other words we would use 1/100 of that savings. The south plant is in a position to accept it. The pump station has 50% capacity remaining. This still leaves the possibility of putting new pillars in the pump station. We have introduced an exhibit to establish what this could do. New pumps in the pump station could increase it an additional 50%. We indicated before that this project would furnish sidewalks in front of the land that he is not legally bound to. We reaffirm that. Sidewalks will be constructed. We have been in touch with the city and the city has indicated that they have a sidewalk program on Rifle Range Road up to the school property. Our sidewalks would take it than down to the Jimmy Headrick property. We will do that part we will build it to city specifications;

we will build it where and how the city tells us. This is not just on the front exhibit covered by this petition. This is all front extenders the developer controls. Before we indicated to you that in this project we would devote 17% of the land to recreational purposes. We reaffirm that. We also pointed out that there are other open areas that we do not designate as recreational. They may have some side recreational benefits, which total 36% of this 18 acre tract. We reaffirm that also. This is actually the tenth meeting where this matter has been discussed and somewhere around the 50th hour. I noticed in the minority report of the Plan Commission that they said there has been inadequate discussion. I hope that statement was inaccurate. I hate to think that 40 hours of discussion on a single zoning question such as this would be considered inadequate.

Getting to the 10th Street question. 10th Street has the lowest accident rate of any arterial coming into the city. There has been a two year study run by the Plan Department. I think that either that study was made available to Mr. Lindman or he also did a two year study. I personally did a two year not knowing that the Plan Department had done it. We agreed that there had been five accidents in 1973 and five accidents in 1972. One of those five accidents this year occurred in the parking lot and was a typical parking lot fender bender where somebody backed out into somebody else's car. Another of these accidents occurred at the entrance way into Fountain Park. One of these accidents occurred at the entrance way of the Grandview Addition and one of them occurred at either Smith Road or Eastern Heights. The Police Department was not able to verify by the address on the accident report exactly where it was. The worst accident, other than severe property damage, involved only very minor personal injury. This of course is not desirable, but it is low as compared with the other arteries. It is a fact that we are going to have to live with that there are going to be accidents. But this is a low accident area. This is not a fine street like we now have on East Third Street from the stand point of moving a lot of traffic fast, but it is a street capable of moving a lot of traffic and moving even more traffic with an extremely small modification. For over a year now I have diverted my normal line of travel on about a 1/4 basis to 10th Street because of this particular case. It does hold up at the stop light at the By-pass every once in a while. The principle time is in the morning when everybody is going to Indiana University. The problem is the traffic guard at the University School has as his duty to stop right turns. Traffic going from town out has a tendency to stop left turns, and there are only two lanes. Many times the stop light changes and only two, three, four or five cars get through. That obviously is inadequate for any intersection. More cars could go through a normal driveway that is properly run. The answer to the problem of the inconvenience placed upon not only the residents of Fountain Park but also the residence of Grandview and Eastern Heights is a through lane. The right of way is there. All it would require is a piece of pavement about eight feet wide and 50 feet long. Then you would have a right lane that the school guard could hold up and you would have a left turn lane that normal traffic would hold up on occasion and you would have a through lane going to campus. Instead of having three, four, five cars going through you would probably have ten times that many going through. From the By-pass on east there is no substantial hold up. There is traffic but it does not create an inconvenience. It requires care, but it does not create an inconvenience and from the accident record it obviously has not created an unusual hazard. Part of the explanation for this is that East 10th Street has no crossing intersections. This makes the road safer. It makes it possible for it to handle more traffic than it might otherwise hold. The national studies are based upon

classic cases of roads contemplating normal intersection situations. We do not have normal intersections situations here and in some respects the national classifications of capacity are low for this road. Another point I think worthy of mentioning is the tax situation. The assessments on this project will be such that the taxes of Fountain Park Phase I and II will be \$176,000 per year. This happens to be somewhere in the neighborhood of \$40,000 to \$50,000 more than all of the taxes paid by all the improvements between the by-pass and the eastern side of Eastern Heights north of the railroad. We have taken the liberty to go to the assessor's office and we have checked this. The assessments on Fountain Park Phase I are already out; they are \$822,000 the new phase will be just slightly smaller. It is reasonable to assume that the value will be 1.6 million. By multiplication of basic tax ratios using \$11, to make your multiplication easy, you can come up with the figure. The average assessed value, not the market value, of the various improvements on this road are \$7,500 each and there are only 200 of those improvements. According to the papers prepared by the Neighborhood Association there are 180. I have found from checking the records about 186. Whether it is 180 or 186 it is still 40, 45, 50,000 less assessed value. What do these other areas do? They have many children going to school. If you figure out the school rate it means that each family is paying somewhere in the neighborhood of \$3 -400 per year per child for his education. Fountain Park Apartment and its tenants, who have averaged less than one child of school age, will be paying better than \$100,000 per child per year towards education. It is this type of development that makes it possible to have an educational system without this type of a development, 3, or 4, or \$500 from the subdivisions per child per year could not educate our children for more than a few weeks per year, much less 8 1/2 or nine months. To emphasize the sidewalk issue I report the fact that Mr. Young through his manager Mr. Hagan has repeatedly made efforts with the University, has written to the University to allow Mr. Young to build a temporary substandard sidewalk all the way to the school across the University property at his expense with no assistance from the University or from the city. Now because of the amount of sidewalk, he would be building off of his property, we have asked to build a temporary type of side walk which would be black top. He went so far as to obtain bids. Now for the record I would like to introduce into evidence at this time the following documents. (They can be found at the Council Office) 1st I would like to introduce the Planning Commission minutes of June 6, 1972, Planning Commission minutes of July 18, 1972, the Council minutes of August 3, 1972, Council minutes of August 17, 1972, Ordinance 72-55 which was passed. To refresh your recollection I would like to introduce copies of photographs that were introduced at that time, Auditor's record of ownership of the land in the area, to offer an exhibit of zerox of the maps of the state geographical survey for this area, I have placed a green line around this particular petition (talking about the maps) of Fountain Park I. One of the questions involved is if the zoning of this land as presently zoned is reasonable or was it an unreasonable zoning. Also one of the questions is rather it should be in fact developed as single family housing because of the present consideration for zoning for the area. This land is the balance of a 40 acre tract. The present zoning line has split that 40 acres. It divides it right down the middle. Now both the present Fountain Park and proposed Phase II are relatively level high land approximately 820 to 830 feet elevation. With variations in elevations basically limited to 10 feet. Now immediately east of this tract of land is a narrow strip of land which is of the same depth belonging to Jimmy Headrick. This land is the beginning of a sharp decline into a ravine. There is a very little land on Mr. Headricks property which could be called level. Of his approximately six acres there might be an acre and a half to two acres that someone might consider level. But if you look at that very carefully with any

kind of a device to give you something to level from you would find it was not. But immediately behind is a narrow strip of land, just a few hundred feet wide which is a ravine. The bottom elevation roughly being 700 feet. It varies depending on how close to 10th Street you are. But basically it runs from 100 to 120 feet below Fountain Park. This ravine runs from as wide as a foot ball field to as wide as three or four football fields. It is heavily treed and is very rocky and stone is on the surface. It is basically land that cannot be developed except in an extremely low density, extremely expensive way. It is very possibly that the far side of this ravine someday might become the subject of very expensive, very low density condominiums for signal family residence. When I speak of condominiums I will be speaking of those which demand density even below that customary for a subdivision, because when you get in that price range you are speaking of that type of density that really doesn't sell. Now is the middle of this field the logical place to draw your zoning line or is a rather definite geographical feature the logical place to draw your zoning line. I think the Plan Department has answered that question and said that it is the geographical feature that is the logical place and this arbitrary line in the middle of the 40 acre field is not logical. One exhibit that I would like to hand you is the exhibit that we introduced nearly a year and a half ago of 30 parts containing 524 signatures which was corrected to 523 signatures by Councilman Mizell. I would also like to introduce the September 17, 1973 report of the City of Bloomington Utilities Department. One other issue that has come up is the question of vision at the proposed entrance way for this development and we have as an exhibit there Joseph Sharp's letter of July 7, 1973 stating the nature of the vision and we have his sealed document showing that the vision exceeds state standards. I would like to hit a couple of very quick high points from the Plan Department's study. First in regard to traffic: the development of 312 additional units will not materially infringe upon the existing capacity. The Planning Department is of the opinion that the increase in vehicular traffic resulting in the proposed development is not sufficient to impact or to warrant the rejection of the petition.

May I direct myself to the sewer. The results of the last metering of the lift stations serving Meadow Park, Fountain Park Apartments, Eastern Heights Sub Division and Grandview Hills Subdivision shows the station loaded to approximately 1/2 its capacity. The proposed extension of Fountain Park Phase II and the additional load of 312 dwelling units will not overload this lift station. Review of the accident history along east 10th Street reveals approximately five accidents per year for 1972 and 1973. This report also shows there are two traffic studies and it shows project volume. I might add that we also have a traffic study which we previously introduced showing roughly 7,580 cars utilizing this road in a 24 hour period. Our study was hand count the other studies were meter counts. I think there is some possibility that the hand count could be more accurate since it is not tampered with, as sometimes the meters do get tampered with, by that I am not accusing anybody I am talking about kids. The projected peak traffic has two periods of overload, brief periods one in the morning and one in the afternoon. Again I call your attention to the fact that this street is not a typical fringe urban street because it does not have any intersections from the stop light clear through to the far edges of Eastern Heights. There are T intersections at Rifle Range Road, at Fountain Park, at Grandview, at Smith Road, at the county road, and a T intersection at Eastern Heights. To answer the questions submitted to the Planning Department "Is there surrounding zoning of land use compatible with the proposed change?" the answer is yes. Is the original and existing zoning a mistake from the beginning? Answer yes. Does the existing zoning prohibit the owner from practical use of his land? Answer yes. In considering other types of development, the Planning Department said that the RS development is impractical. Considering research type development in this area, neither I.U. nor any private agency

has the money and the 18 acre sight provides insufficient land. Concerning PUD as it is defined now. The mixtrue use requirement makes small 40 acre sight impractical. The Utilities Department report, in answer to the questions presented the Plan Department, said that Utilities were within the capacity. Would this zoning effect rezoning of an existing development pattern in the area. In response to that the Griffy Creek ravine is an excellent natural boundary for multiple dwellings. Is the boundary of the proposed change the most natural? Answer yes. Will the proposed change stimulate additional rezoning in this area? Answer no. The ravine is a fine buffer for the land on the east. The minority report, as I recall, made some remarks that there is no evidence on a couple of points. Haven't you already this evening found that statement is not true? That remark was false 18 months ago. It is totally incorrect already this evening. This is the type of development this community needs. It should tak logical boundary lines for its zoning decision. It should not respond to emotion. It should respond to the community as a whole. I think that this petition has been presented so many times and at such great expense that the developer deserves your affirmative answer this evening.

Mr. Lindman: This is something that I don't like to bring up and I don't want to bring up but my attorney advises me that I must. If this is approved tonight it could result in court action. There is a letter from Mr. Ruesink stating that two of the members, of the Plan Commission had a conflic of interest. The State Statute prohibits somebody from voting on any matter in which he has a direct or indirect financial interest. He advised the Council to take this back to the Plan Commission with a recommendation that these members do not vote.

Councilpresident Ackerman asked Mr. Regester if he would please speak on that point.

Mr. Regester: I think what is specifically referred to is 53-701 Burns Statute. It says "No member of the Plan Commission, Board of Zoning Appeals, City Council, or Board of County Commissioners shall participate in a hearing or a decision of such commission, board or council upon any zoning matter, other than preperation and an inactment of an overall or comprehensive plan, in which he is directly or indirectly, in a financial sense. In the event qualification of such fact shall be entered on the record of commission, board, or council, shall choose or elect a member to act as a member of such commission, board, or council in the hearing and determine of the particular matter or matter in which the qualification occurs." I think I will have to expand my remark to this degree. It happened at the time this matter was presented to the Plan Commission and received a favorable vote from the Plan Commission by an affirmative majority vote, that at that time a letter had been addressed by someone to Judge Hill in which there was a categorical statement made naming two persons prejudiced and should not be permitted to vote. At the time of this hearing, when that letter was referred to at my insistance, I requested that those letters be read in their entirety. That the Plan Commission 1) would have to determine whether there was or was not such prejudice and at that time each of those persons named catagorically denied that they had any financial interest in the matter before the Plan Commission. To put it another way in my judgement there was no proof that either of the presons whose itegrity had been attacked over this matter where proven to have had a financial interest within the scope of this to disqualify them from voting.

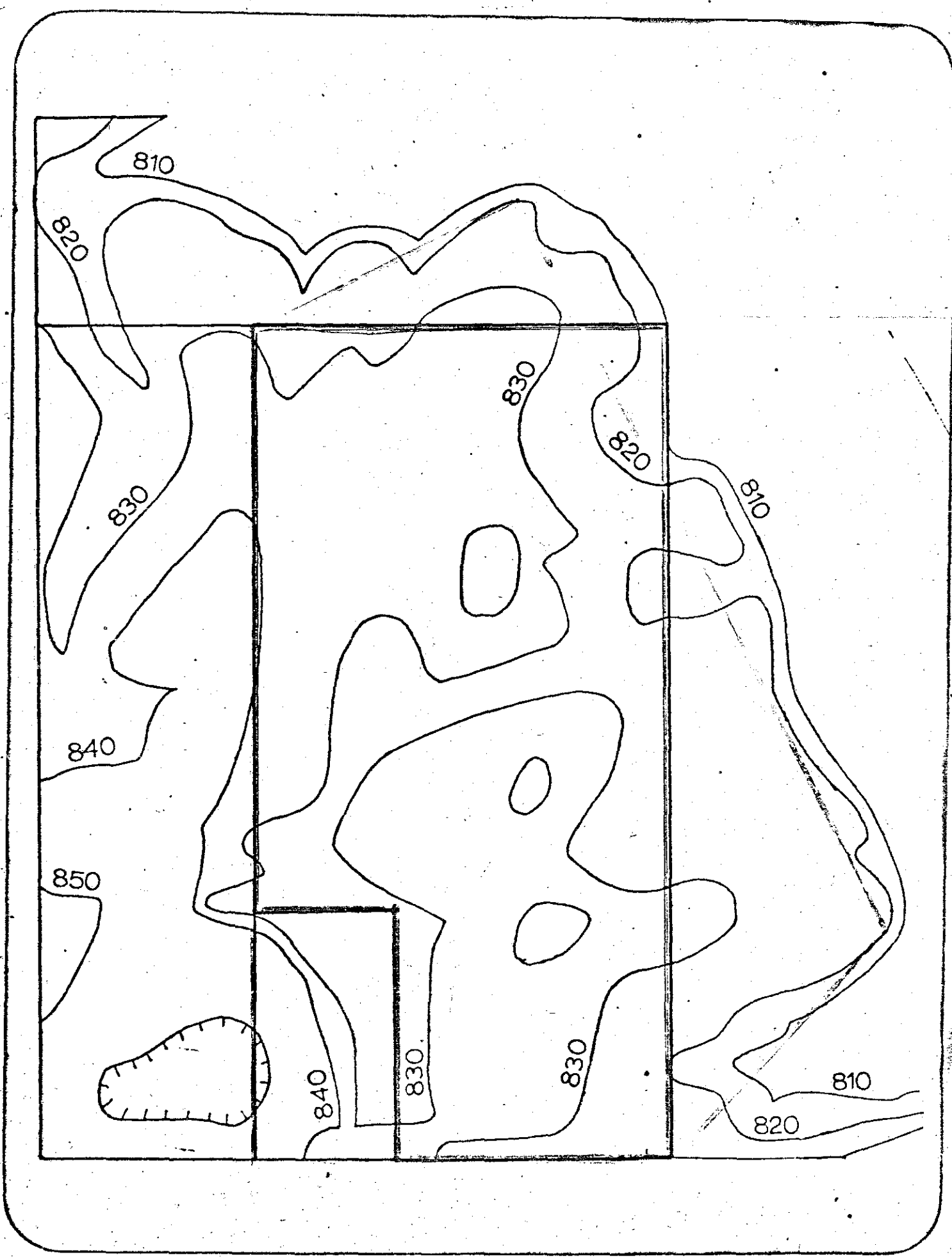
Councilpresident Ackerman asked if in Mr. Regester's interpretation of the law, the Planning Commission vote was legitmate and if the Council should therefore go ahead and act.

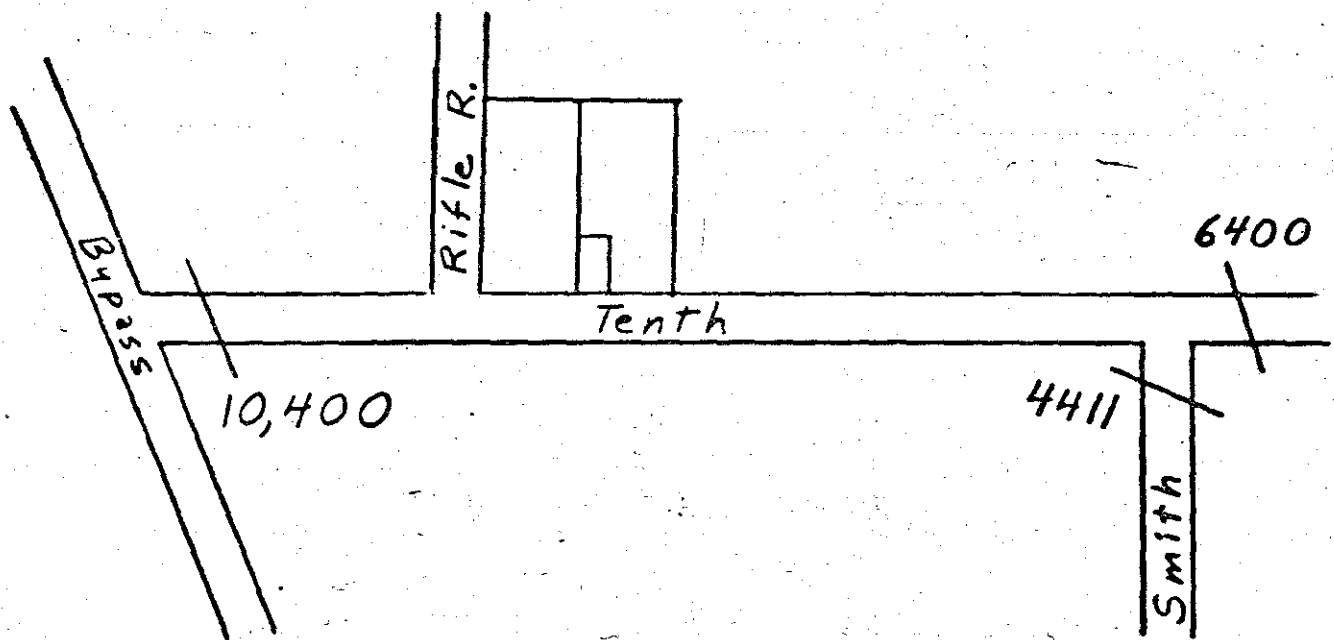
Mr. Regester said that it was a legitmate vote.

Mr. Lindman representing the Grandview Hills Neighborhood Association spoke. This particular Ordinance or a similar version of it was discussed at length about 15 months ago. There are some differences now. One is that we have some new facts. The other is that you have a new zoning ordinance. Both of these make a difference, as I hope I can point out. Some of the facts are hard facts some of them are simply more representations of facts that we have had. I am going to address myself at four points and then Marie Harlan will address herself to one or two more. The first one that I think is important, that the Planning Department feels is important, is the effect on surrounding land. (Copies of visual aids are attached) So what I have here is a map showing basically the area that needs to be rezoned in red. The present Fountain Park in green. The question of the affect on surrounding land I think needs to be taken in at least three phases. The first thing we might ask is the effect on this land down here which is presently the Daisy Garton farm. It is zoned RH. It is not developed. There is a desirable aspect to the development of that land. The development of that land would be almost assuredly accompanied by the extension of Pete Ellis Drive through this property, which would help to alleviate some of the traffic problems on the east side. The development of this land before you now will probably delay the developing of the Garton farm and the extension of Pete Ellis Drive. Mr. Barnhart admitted that this land on the ravine would probably be good for single family residential development. It is on a beautiful ravine the land could be very valuable. But I would like to ask you how valuable would that land be to you if 700 to 800 feet away, which is not that far, two or three football fields, there is the beautiful view of the backs of apartments? How valuable is that going to be? How good a buffer is this ravine going to be? It may be a buffer in some ways, but will not be a sight buffer. The second point is the need for more apartments or the relative density of apartments in our area. To handle this question which I believe was handled very inadequately by the Planning Department, I have taken a map of Bloomington primarily the East Side and I have designated thirteen areas. Each area is approximately 1/2 of a square mile. Each area is primarily residential and the 1/2 square mile areas tend to work out well because they tend to be fairly unitary tracts of land, for example we have Hoosier Acres as area B it is pretty much a single residential area, Sherwood Oaks is area D, Sycamore Knolls is area E, etc. I chose these and not the west side because the west side and the near north side are very mixed up in zoning. It would have taken hours to go through it. The acreage is only approximate I had to translate it into acreage but the percentages are more exact. Area X is our area. Notice however, that area does not include Fountain Park. The northern boundary is 10th Street. Notice also that it does not include Meadow Park which is across Smith Road and not in the area and zoned RL anyway not RH. These are percentages of land not zoned RE. RE is a whole other zone and you can not tell what it is going to be. We have 50% RS the next lowest percentage is 78% per area A next to it. We have 28% RH. The next highest percentage is area 9, Sherwood Oaks. Area A which is Eastern Heights would be up around 10 perhaps if Meadow Park were zoned RH. What does this mean in terms of actual density? Will if you figure maximum density 6 for RS, 10 for RL, approximately 15 for RN there is no stipulation there, 20 for RH then you can get an average maximum density report for each area. The smallest value that it can take is six. The largest value it can take on is 20, because it is an average maximum allowed density. The second highest area is next to the University. Our area has a density of 11 and that does not include Fountain Park. The rest of the areas have sixes and sevens. Third question is what can we do with the land? Is there an alternative use for that land? (At this point Mr. Lindman presented a plan for an alternative land-use of the property utilizing single-family lots and town-houses. The plan consisted of 128 units which we felt would result in a density of 5 per acre.)

There are alternative uses for that land. Finally I would like to talk to the issue of what is the increase in cars due to that zoning? This is the results of the planning departments study. 10,400 cars per day here at By-pass on 10th street. 4,400 here on Smith Road. 6,400 over here at 10th Street East of Smith Road. The reasoning as I seem to see it is because the two smaller figures total the larger one, Fountain Park I produces very little traffic. In fact that assumes that the Smith Road traffic is all heading into town. There are probably an equal number of people from Unionville coming in going down Smith Road to Third Street contributing to those 4,400. If we would assume that all of them are coming from Unionville we would find that there are 8,000 cars a day coming out of Fountain Park which of course is not reasonable. If we assume that half of them are coming from Unionville and that half of them are going into town we get 4,000 cars a day which is a more reasonable. If we figure that two students live in an apartment and make three trips each that won't always be true but there are probably more than two students in some apartments that would be a total of twelve cars per day per unit or an estimate of 4,100 cars per day. I took an informal survey it was as I was driving by. It is informal, it isn't very large but I am by trade a statistician and I can tell that it was a carefully taken survey. It is not a bias survey in anyway. I found that 22 out of 60 of the cars were coming out of Fountain Park. That is 37%. 37% times 10,400 cars per day gives us 3800. These estimates are all remarkably close when they say that something over ten cars per day are either going into or out of Fountain Park per unit. At that kind of a value we can expect 3,000 cars per day coming out of Fountain Park II. We haven't yet considered the possible addition from the Garton Farm. 3,000 cars per day would be a 30% increase in the traffic volume. Finally I would like to make a very brief point regarding two things Mr. Barnhart states. Will this provide low income housing? I don't think so. The rent there is now \$140 and \$150. They have electric heat that the individual pays for, costs 10 to \$15, I am told by a former renter, per month. Finally one more correction this was not considered in any detail what so ever if at all by the technical advisory committee.

Mrs. Marie Harlan :: I just want to talk to two points. The first point is the accident report. Again there was mention that there were five accidents in 1972 and 1973. I do have information that in fact there were 17 accidents. On the stretch of road there were five, there were four at the by-pass, and there were eight at the intersection of Becker Drive, Russell Road and Smith Road and these certainly would be connected with 10th Street and its accident rate. The second point that I want to talk to you about is the capacity of the road. We have in the staff report a capacity of 1,160 vehicles per hour and this was developed by using tables in the current highway capacity manual. It seems that the prime consideration was road beds. This is a copy of the Topics Report from 1970 where different roads in our area were studied regarding capacity and traffic. We have state road 45, from Russell Road to the by-pass on State Road 45. A length of 1.77 miles. The capacity there is shown as 5,300 cars. I talked to Mr. Crossmyer who is the traffic consultant for this city, who is employed by the people who developed this topics report, and asked him this week what facts did they consider when they developed these capacities. He informed me that they considered width, location in the city of the road, the amount of time the green signal was on if there was a traffic signal, which there is in this case, the percentage of truck traffic versus car traffic, and also the amount of turning. I asked Mr. Crossmyer if he could help me determine what 5300 cars meant as far as vehicles per hour. He said that actually 8 to 13% of that total would be considered an hourly rate. This would give you a range of 424 cars per hour to 689 cars per hour. I want you to notice to that there was an error in the road bed. This indicates that the road bed is 20 feet and actually that road bed is only 18 feet. To the question of capacity.





Traffic Study: 0-8000 cars/day

Realistic Est: 4000 cars/day

If 2 students make 3 trips each,

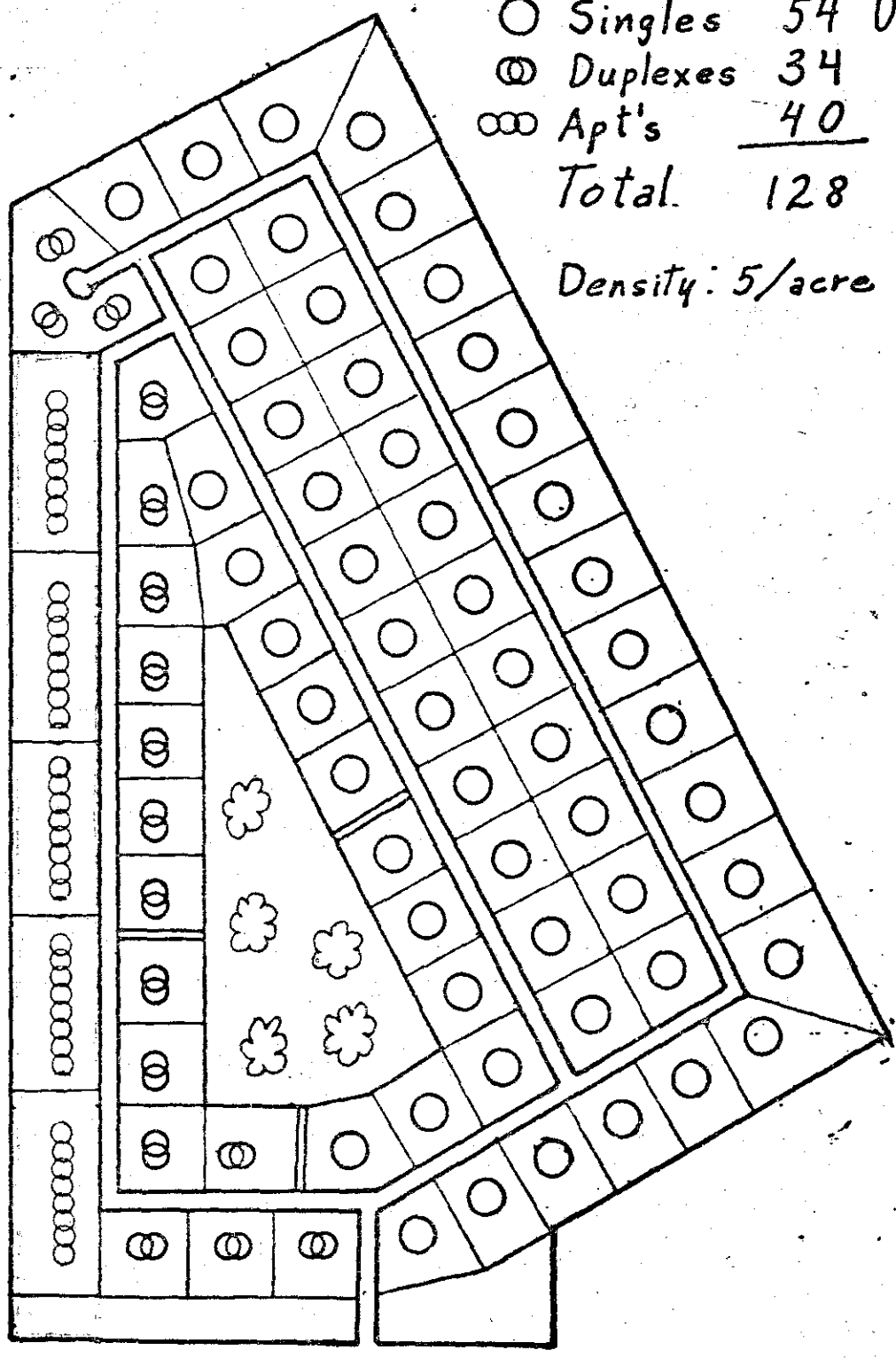
Total: 12 cars/day/unit.

x 344 units: 4100 cars/day

Informal Count: $22/60 = 37\%$

$10,400 \times 37\% = 3800$ cars/day

(Range: 2200-5500)



○	Singles	54	Units
⊖	Duplexes	34	"
⊖⊖	Apt's	<u>40</u>	"
	Total	128	"

Density: 5/acre

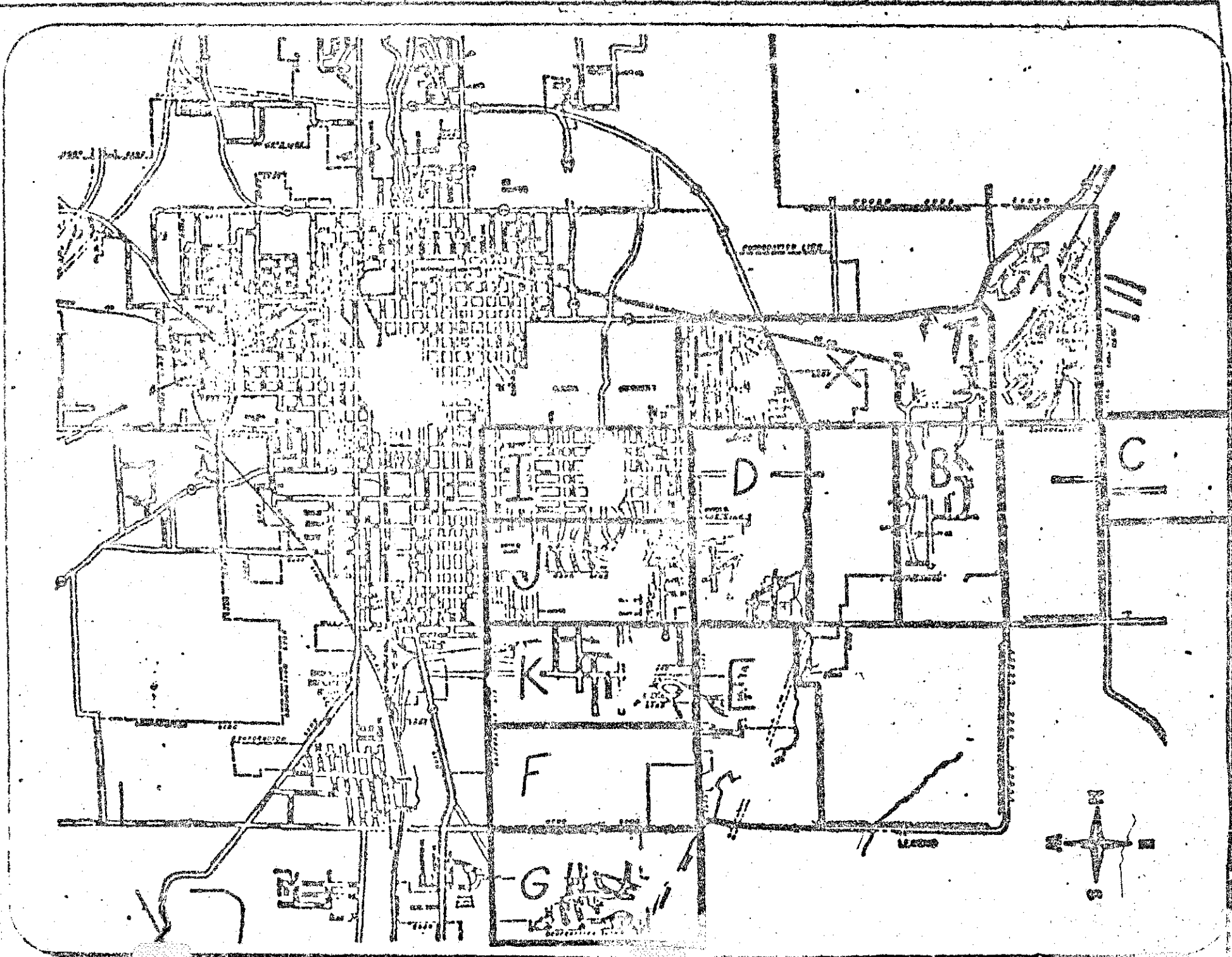
LOW-COST HOUSING?

Fountain Park Apts.
3209 E. 10th 339-5533

1 Bedroom	• \$140
2 Bedroom	• \$150

The logo for Fountain Park Apts. features a stylized fountain with water spraying upwards. Below the fountain, the words 'FOUNTAIN' and 'PARK' are written in a bold, blocky font. To the right of the fountain, there is a small square icon containing a house and a dollar sign.

Plus \$10-~~\$~~15/Mo. (12-Mo. Ave.)
for electric heat.
(Not incl. other electric use.)



BLOOMINGTON AREA MAP

ACREAGE

%

RS RL RM RH B,M Tot. RS RL RM RH B,M

Med. Dens.	6	10	15?	20	-		6	10	15?	20	-
Grndw. Ph. Rd. W X	161 ¹	31	0	93 ²	43	328	50	9	0	28	13
Esten Hts. A <small>Ph. Rd. E.</small>	208	42 ²	0	0	17	267	78	16	0	0	6
Hoosier A. B	263	0	0	21	0	284	93	0	0	7	0
Herridge W. C	100	0	0	0	4	104	96	0	0	0	4
East St. Dr. D	266	19	0	19	16	320	83	6	0	6	5
Sycamr. kn E	320	0	0	0	0	320	100	0	0	0	0
South Hamptn F	282	18	0	15	5	320	87	6	0	5	2
Shrwd. Oks. G	197	5	0	21	8	231	86	2	0	9	3
Grn. Acrs. H	134	0	9	0	6	149	90	0	6	0	4
Elm Hgts. I	254	0	35	23	8	320	79	0	11	7	3
South Dwns J	232	0	0	6	18	256	91	0	0	2	7
Arden Pl. Miller Dr. K	295	0	13	12	0	320	92	0	4	4	0

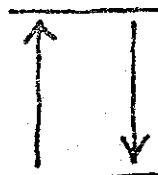
1. Includes about 20 acres zoned RE but already partially developed as RS.
2. Does not include Fountain Park, 20 acres, north of 10th St.
3. Includes Meadow Park, developed as RH but zoned as RL.

Street Name or Route Number	Terminal Points		Length (Miles)	Width		Traffic Traffic Volume		Capacity	F C
	From	To		Pvmt.	ROW	ADT	Yr.		
Rockport Rd.	Collidge St.	Rodgers	0.47	18'	30'			4,300	
Rodgers St.	Rockport Rd.	Hillside Dr.	0.28	19'	60'	9,142	70	4,600	
Rodgers St.	Hillside Dr.	Second St.	0.75	30'	40'	10,000	70	9,100	
D 45	<u>U.A.L. Line</u>		1.77	20'	60'	5,000	70	5,300	
North St.	By-pass	RR Tracks	0.25	24'	50'	9,000	70	6,700	
North St.	RR Tracks	Fee Lane	0.66	30'	50'	14,000	70	9,100	
North St.	Fee Lane	Lincoln St.	0.66	29'	50'	12,000	70	8,700	
North St.	Lincoln St.	Walnut St.	0.14	26'	50'	12,000	70	7,700	
Light Ridge	IND 46	Moore's Pike	0.97	20'		5,000	70	5,300	
IND 37	IND 37	U.A.L. Line	0.53	20'	50'	4,000	70	5,300	
Clerton Pike	Rockport Rd.	U.A.L. Line	1.69	19'				4,600	
College Mall Rd	Third St.	Second St.	0.24	22'	60'			6,200	
College Mall Rd	Second St.	Covenanter Dr.	0.39	22'	60'			6,200	
College Mall Rd	Covenanter Dr.	Moore's Pike	0.32	22'	60'			6,200	
TOTAL FAS Miles			21.32						

Capacities

Monroe County
Rural

SR 45 East - 630 V/P/H
SR 45 West - 792 V/P/H
SR 46 E B/P - 1400 V/P/H
SR 37 B/P - 6000 ± V/P/H
SR 48 West - 800 ± V/P/H



Comparison

<u>Corridor</u>	<u>Capacity</u>	<u>ADT*</u>
45 E (E 10th St)	630 V/P/H	8725 V/P/H
45 W (Bloomfield Rd.)	792 "	8025
48 W (Whitehall Pk.)	800 "	5275

* 1971 State Highway Counts

JCT SR 46 TO RUSSELL ROAD

Sub-section # 01021 Sub-section length 1.70 miles 2 lane 40 ft r/w
 AADF - 3500 % Commercial Vehicles - 3 year last surface change - 1972

SUFF. RATING - URBAN

Item	Total Rating Possible	Section Rating
Surface type	5	3
Surface width	20	11
Cross-section type	10	0
Alignment consistency	5	3
Sub-total-geometric rating	40	17
Structural adequacy	15	15
Drainage adequacy	5	1
Rideability	5	5
Traffic Control	5	0
Sub-total-conditional rating	30	21
Sub-total-capacity rating	30	0
TOTAL SUFFICIENCY RATING	100	38

Existing Functional Classification - principal arterial
 1990 Functional Classification - minor arterial street

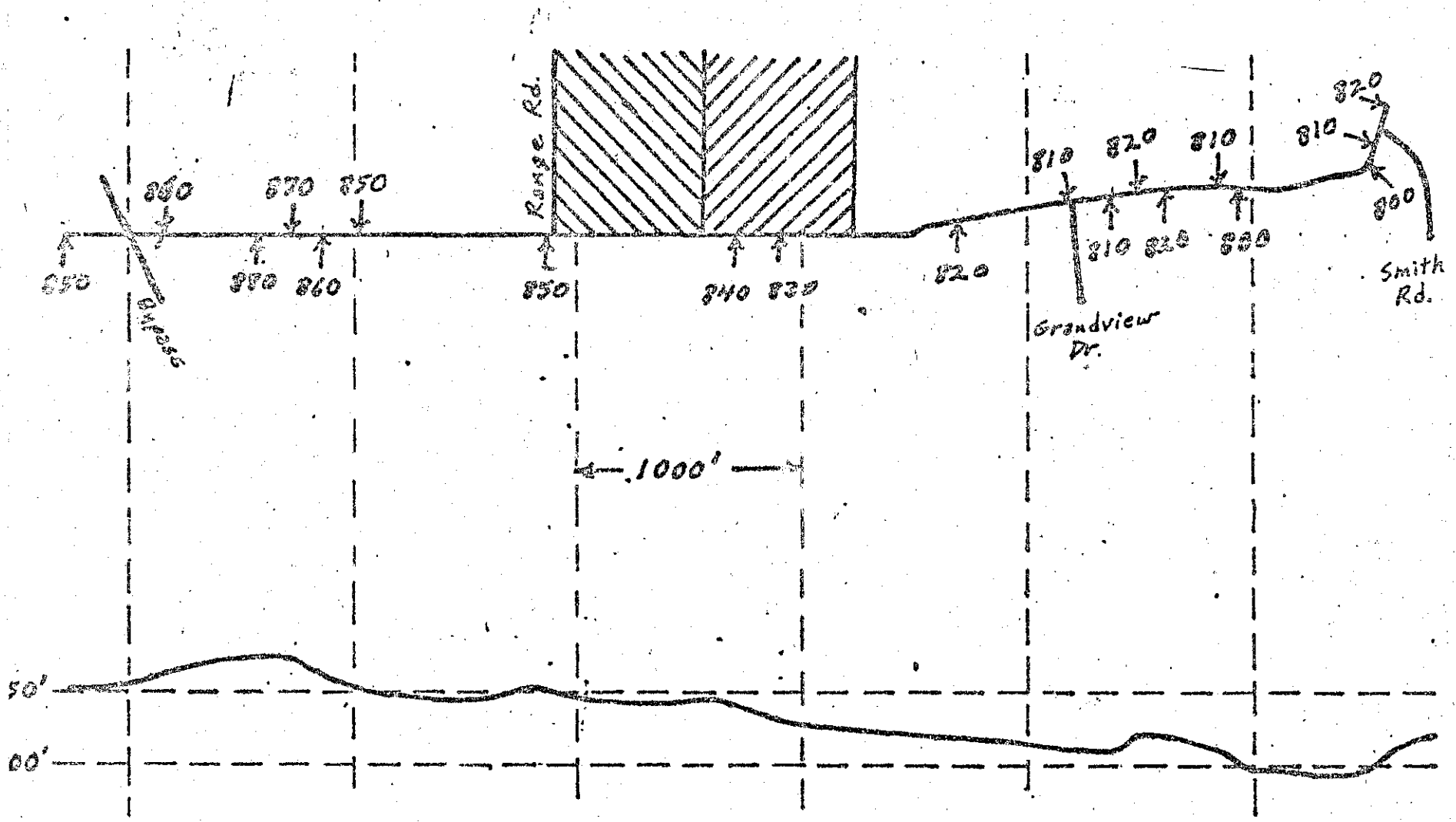
RUSSELL ROAD TO TUNNEL ROAD

Sub-section # 01111 Sub-section length 4.95 miles 2 lane 40 ft r/w
 AADT - 2200 % Commercial Vehicles - 3 year last surface change - 1972

SUFF. RATING - RURAL

Item	Total Rating Possible	Section Rating
Surface type	5	1
Surface width	15	3
Cross-section type	3	1
Shoulder width	7	0
Stopping Sight distance	9	0
Alignment consistency	12	0
Passing opportunity	9	7
Sub-total-geometric rating	60	12
Structural adequacy	22	22
Drainage adequacy	6	3
Rideability	5	5
Traffic Control	5	4
Sub-total-condition rating	40	30
TOTAL SUFFICIENCY RATING	100	42

Existing Functional Classification - rural major collector
 1990 Functional Classification - rural major collector



These figures of capacity I got from the Seymour district of the State Highway Commission. They are used for comparisons of roads. These are all the major arteries into our city. And they represent traffic both ways. On the bottom I have made a comparison myself. You have 45 East and then the Bloomfield Road and Whitehall Pike and you can see the difference in capacity. The striking thing here is that the road that seems to have less capacity, whatever that is, seems to have the most traffic according to those particular counts. At this point Mrs. Harland showed the attached exhibits concerning the condition of the road to the council. She concluded that the road is inadequate on the basis of several indexes at this time without adding additional traffic. She also indicated the State of Indiana does not plan improvements for the road in the near future.

Councilman Behen pointed out that the state sometimes moves faster on road improvements than anticipated when the need is great.

Mr. Frank Barnhart spoke again refuting points in Mr. Lindman's presentation and reiterating his arguments for the proposed rezoning. Mr. Barnhart then added, "I didn't answer Mr. Towell's question concerning annexation. This area has not been annexed. Fountain Park Phase I is annexed. Fountain Park Phase II will be annexed.

Mr. Lindman spoke again refuting Mr. Barnhart and reiterating some of his arguments against the proposed zoning.

Councilpresident Ackerman ask for discussion from the Council.

Councilman Mizell said that he would like to have the clerk read the minority report. Councilman Mizell than made the following comments. I would like to respond to comments of Mr. Barnhart I don't think anyone on the Plan Commission or this Council has ever had anything but complimentary words to say about the projects Mr. Young has built. I think that they are very attratice structures and very well land scaped. This is not the question at hand, unfortunately. The question at hand, that the Planning Commission has to deal with and this Council has to deal with, is that of land use; not the type of structures built on a particular piece of property. We have no guarantees that Mr. Young will ever build these structures. But if the land were rezoned we do know that the chances are very great that some apartments will be built there. I think I have to say on behalf of the Plan Commission and the Council, that we have never been against growth. We have been in favor of growth as evidenced by the fact there is already land zoned for apartment development in the immediate area, just across the road. So it is not a question of not providing enough land for the growth of the community through the building of apartments. It is a question of where these apartments will be built and the other accessory uses, accessory services that the city has to provide. Particulary in terms of the roads, I think it was pointed out very well and very ably by Mr. Lindman that one of the fringe benefits which can accrue the city by the development of the already zoned land, ~~oned~~ for RH, is the extension of a road from 3rd street to 10th Street in an area which very sorely needs new roads. This would come at no expense to the city. The improvements that Mr. Barnhart has spoken of will either be at the expense of the City or the state. I am not certain as to whether the state still has jurisdiction over 10th Street from the By-pass to Smith Road. Now could we have the clerk read the minority report?

Grace E. Johnson, City Clerk, read the following minority report from the Plan Commission.

TO: Common Council, City of Bloomington
FROM: Mary Alice Gray, Chairman, Planning Commission
City of Bloomington
Subject: Minority Report Z0-31-73

Since only a single vote separated the minority from the majority in this petition, I have been asked by five members of the Commission (Mizell, D'Esopo, Pryor, Brown and Gray) to submit the following report on their behalf.

The negative vote was based on two main concerns: the existing road and its effect on vehicular and pedestrian traffic, and the use and capacity of the land for development.

ROAD AND TRAFFIC SAFETY

The road presently provides only 18 feet of pavement for two lanes of traffic. The recent improvements to Tenth Street (S.R. 45) consisted of some improvement to the shoulders and resurfacing only, but no additional widening. (Single lanes should be 12 feet in width.) The improved surface will permit more rapid movement of cars, trucks, and city and school busses, but will not significantly increase the safety of the road.

Since the petitioner's first request for rezoning in June, 1972, the estimated average daily traffic volume has risen from approximately 9,195 in May, 1973, to 10,400 in November, 1973. This increase has occurred without any additional development on S.R. 45 within the planning jurisdiction of the City.

Development of 18 acres at its maximum allowable density of 20 dwelling units per acre will increase the daily traffic count to over 12,000 vehicles. This number will be carried on a road which is still below standard in width and which is badly designed, having several dangerous curves and an extremely hazardous intersection at Smith Road and Tenth Street. S.R. 45 also carries school busses into the University Elementary and Middle School and the Stonebelt School. Although the provision of sidewalks on at least one side might provide some margin of pedestrian safety for children, the fact still remains that most of the population of both schools are either bussed or driven in by private cars. The only difficulty that the staff report recognizes is that "reduced travel times might be expected (and) would occur for short intervals at peak periods." No evidence was or can be shown to prove that high density development could add anything but more traffic and increased danger to an already hazardous situation for pedestrian and driver alike. At present there is no evidence that mere resurfacing will improve safety or increase the carrying capacity of the road to the degree necessary to support high density development.

LAND USE

The JJ&R proposed land development map for this area (Northeast Quadrant map) shows a district of moderate density residential use (eight dwelling units per acre) between a proposed research facility and the existing school facilities. Nowhere on S.R. 45 is there any high density housing proposed in the JJ&R developmental plan. The petitioner's land is bounded on the north by other land designated on the JJ&R plan as open space, tree cover and environmental protection.

The revised land use maps, adopted by the Council in June, 1972 indicate a mix of residential uses for the south side of S.R. 45. Based on the recommendations of the Planning Commission and its staff and aided by the deliberations and advice of Committee 4 of the Citizens Planning Committee (reported of July 21, 1971), all of the land lying to the north of S.R. 45 was placed in the RE classification (excepting those areas already built upon which were zoned to reflect present usage.) The zoning classification for the land lying to the north of S.R. 45

was based on the topography of the land which is in part wooded, in part steeply sloped, and also upon the inadequacy of public facilities, i.e., inadequate roads in capacity and number, and the lack of sewers. The land to the south of S.R. 45 was zoned in a mixture of residential uses with a minimum amount of limited commercial (none of the latter front on S.R. 45) to blend in as well as possible with the mixture of uses which presently stretch along the northside of East Third Street.

There is no indication at this time that the zoning classification for the area covered in petition Z0-31-73 is inaccurate or that there has been any change in condition since its establishment. The present sewer lines and the Winston Thomas treatment plant have not been increased in capacity and no interceptor to make use of the Blucher Poole plant has been constructed to allow any additional development in the RE zoned lands.

While the minority remain firm in their conviction that an RH classification for this 18 acre tract of land is highly undesirable, it recognizes that some development might be possible, even under existing conditions. Because this petition fell last on a long agenda, discussion was not as full as it should have been. No consideration was given to the proposal of the staff to zone the front 600 feet RL, and the rear 920 feet RH. This would, at the least, have had the merit of insuring reduced density. No consideration was given in the discussion to following the recommendations of the JJ&R plan for RL zoning. Neither was there any discussion of the suggestion made by several members of the minority to planning for a low density residential PUD for these 18 acres. Past experience would indicate that an RH designation for this parcel of land will increase the pressure for more high density development to the north and the east where neither the topography nor the public facilities can justify such development at the present time.

The interest in sound planning would be well served if Council would return this petition to the Planning Commission for further consideration of RL zoning to serve as a buffer for the RE lands to the North and East and afford protection to the RS lands to the South.

Councilpresident Ackerman called for discussion from the Floor.

Mr. James Crow, Assitant Professor in the Department of Health and Safety at Indiana University spoke concerning the safety of the road. He asked that if the rezoning were passed that the Council require a stipulation that the points of ingress and egress meet state standards and in fact they be approved by the state before construction is begun. Mr. Crow felt the east entrance to Fountain Park I is inadequate. Mr. Crow felt the addition of the proposed units would cause a further safety problem on 10th Street.

Councilman Towell asked the Planning Department staff to explain the conflicting testimony on traffic.

Tom Crossman, City Planner answered as follows: I recognize that there appears to be a series of conflicting pieces of information. If you recall the essence of the staff report that was presented to the Planning Commission implied that the traffic problems were a problem that we had not rectified, but that the overwhelming preponderance of evidence on all the other issues still lead us to recommend that the zoning case be approved. Because the traffic problem was such an important issue, we did in fact this year put out our own counters, so that we could have an accurate count. We did go the manual for highway capacity. The manual's tables come from the Northwestern University Traffic Institute, which is essentially the standard manual for highway capacities. We did not use a 20 foot roadway as was implied

this evening. We interpolated downward from the 20 foot roadway to the two nine foot lanes that we actually have on that street. We did not use capacity restraints for the intersection, modification to the roadway itself. I suspect that the contradicting figures are using capacity restraints considering limitations by the intersection. With these figures in mind, the figures for the roadway itself, I think we would stand by our report putting in a reasonable tolerance of error. These would indicate that at the present time there are no hours when the total capacity exceeds the capacity of the roadway. With the proposed development there would only be the two peak hours of the day where the service level of the road was exceeded. One other thing that I think we needed to clarify. We did not use empirical data tabulated for the City of Bloomington in calculating the amount of traffic that was generated by this or the proposed apartment project. We did use data that our consultant Voight, Sage and Phlume had determined from other communities that they are working in. The average for apartment complexes for cities similar in size to Bloomington ran approximately five trips per day per apartment unit. I think it is interesting to note that a single family development of moderate size, not a high income multi-car type situation, would somewhat more than double that volume. If you get into a high income development it goes even higher than that. Now what is interesting, if in turn we are going to say that we can get 128 or 156 single family units in that area, we are in fact saying that we can generate just as much traffic with those single units as we can with all the multi-units. I think that the main issue is "is an apartment complex, a multi-family complex, an appropriate land use on this site, being built beside an already built apartment complex being buffered, being buffered substantially on the other two sides by a fairly extensive ravine. It has been pointed that it is a distance of 700 to a 1,000 feet and can easily be seen across. But there are no buffer requirements in our zoning ordinances so extensive. This is really more than adequate and it is in fact a natural buffering device."

Council president Ackerman asked Mr. Crossman what would happen on 10th Street if both Fountain Park II and the Garton property to the south were developed?

Mr. Crossman answered that he was relatively sure that it would certainly add to the possibility of getting something done about improving the road. He indicated that compared to other streets in our community 10th Street is not really as serious a traffic problem as we are lead to believe. The service ratio even with the proposed addition came out at its highest point at 1.07. The service ration on south Rogers Street is 1.98 at the present time. There are streets throughout the city that exceed the service ratio of 2 to 1.

Councilman Towell asked if it was a question of whoever comes first perhaps can use up the capacity of 10th Street. Both of those projects would take us beyond? It is a matter of who gets there first?

Mr. Crossman answered that he thought that what we are really asking is whether the level of service that can be provided by that road is reasonable with either or both of the projects. He felt that in light of the general situation we have in the community it is reasonable.

Councilman Mizell indicated the capacity figures were unrealistic because during rush-hour traffic all the cars were in one lane and the figures were for two lanes.

Mr. Reller answered that the Planning Department felt the rush hour congestion could be alleviated by modifications to the intersection without making changes in the road.

Councilman Towell said he takes very seriously agreements people make and are willing to make. There was an agreement to do things in this project in the spirit of PUD. There was an assertion at the beginning of tonight that PUD has changed to the extent that present plans can be considered PUD by the old standards even though it would not meet the new standard. He asked Mr. Crossman to detail the changes in PUD so that it could be determined if this were true.

Mr. Crossman said at the time the project was originally proposed we did not have a PUD ordinance. We did have the neighborhood development program that required the approval of the Board of Zoning Appeals which is essentially the same as the Board of Zoning Appeals approving a sight plan. PUD had been discussed in relationship to open space, but we never really got to the point of drafting an ordinance. The main discrepancy between the proposals and the PUD ordinance is one of mixed uses. When Mr. Young and Mr. Barnhart first came to our office to apply for this zoning case we advised them there were two possible routes; one being to apply for planned unit development with a request variance on the mixture of uses; the other being to apply for a straight multi-family zoning for an apartment project. Our advice was in as much this was really an apartment project that we felt that it was a more straight forward approach to apply for and RH rezoning. I think there is no change in Mr. Young's plans. The open space ratios are the same, the density ratios are the same, parking ratios are the same. The thing that does not exist and did not exist before is a mixture of uses.

Councilman Towell said that he understood the neighborhood forces were willing to accept the PUD concept as a compromise that both parties could agree to. That was one reason that we put as much stock in it as we did.

Mr. Barnhart answered as follows: I wanted to be very careful about this because I knew it was a sensitive point. I have reviewed my notes and I have reviewed the minutes. At no time has it ever been represented that this was anything other than an expansion of Fountain Park. Now we did go over the preliminary draft of the PUD ordinance which has some similarities to the current ordinance, particularly in regard to true open space. Not what we use to call open space which included parking lots and side walks and everything, but grass and trees, recreational facilities and that type of thing. We went over those figures and we said that in the spirit of the PUD ordinance in these respects we intended to comply with it. Now there was some discussion about PUD. The new theory of PUD encompasses all types of commercial use. We have only the intention of building apartment building apartment buildings and retaining the residence of the Alexander home, which is a very nice home. We intend to retain that. So our only mixture of land use is one single family unit plus a recreational facility. So we only had three basic land uses. Now the only change in what Mr. Young wishes to do is probably a small decrease in the number of units in order to increase the amount of recreation. It is very possible that the original 312 would be 298 or 300. The open space percentages are 17% true recreation and 36% other open non-hardsurface area. This was the basis of our ascertainment that the spirit of PUD would be complied with. Except that 17% figure will probably go up to something like 20% or 22%. We feel that we have been straight forward and we reiterate and commit ourselves.

Councilman Towell indicated that he recalled the previous discussion and that PUD as it is described in the new ordinance was what had been agreed to. He was certain a mixture of uses had been discussed.

Mrs. Gloria Enguidanos mentioned that the City Planning Department had not taken into consideration the recommendations of the Citizens Advisory Group which had studied this area, of which she was a member. She felt any additional development in the area

would increase the traffic problems.

Councilman Mizell made the following comments: I think the basic spirit of PUD is something the neighborhood has indicated it has remembered. I think the Council may have forgotten it, and I believe the petitioner is ignoring it. The basic reasoning for the PUD is not only to get a mixture of uses within an area, but also, by allowing a mixture of high density development with a mixture of low density development, the trade off in profits would allow low income housing to be developed. This is one of the primary things that this Council approved of in the PUD concept. This is really the basic spirit of PUD, which is evidently being ignored in this particular incidence.

Mr. Donald C. Felton from Grandview Hills spoke in opposition to the rezoning stating that the demand for new apartments was declining as a result of reduced enrollment at Indiana University.

Mr. Rodney Wild spoke in favor of the proposed rezoning stating that the community did need more apartment units of this type.

Councilwoman Zietlow questioned the actual capacity of the lift station in the area for handling the increase in sewage from the proposed development especially in light of the recent failure of that lift station.

Mr. Young explained the recent failure as an unusual mechanical breakdown which had been repaired.

Councilpresident Ackerman asked Mr. Crossman if he had anything to add on utilities.

Mr. Crossman replied the indication is that the lift station has ample capacity for the development it is serving now and the additional development.

Councilman Fix made the following statement: The worthwhile goals we have in getting these apartments built have been mentioned: property tax relief; furnish more housing; furnish more jobs; fine apartments make people shape up. But I wonder what that has to do with land use. We have talked about zoning land or zoning people. If this tract of land is zoned RH we will have all of these things because Mr. Young might provide them. It is Mr. Young's choice as to whether or not this tract of land is the only tract of land that he wants to build apartments on. That is his choice that is not our choice. We have to look to see if we want to zone the land one way or another. I think if we zone this 18 acres RH, we would not only be zoning the 18 acres; but we are also zoning a little bit on the east of it and some on the north of it. We already have some on the south and west zoned RH. Increased sewers will probably have to be installed for these high density dwellings. I don't think low density development is going to get our interceptor line all the way up to Unionville road. So that means that whole area will have to go to RH. I don't really believe that is good planning. I think that it might be very unfortunate if Mr. Young chooses not to build apartments any place else. That may be quite a loss to the city. But I think that is his choice. I think that Mr. Barnhart, when he made his opening remarks, said that we should not respond out of emotion but as the community as a whole. We not only need apartments but we need single families, we need duplexes, we need low cost housing. And if we take one whole segment of the city and make it high density we are not going to get these others. I base this more on the overall planning concept than on any single thing. Traffic is going to be increased no matter where we put people. If we move 300 units into a certain area traffic is going to increase. People will have to slow down and drive more careful, until the city or the state gets involved in widening the roads so that we can go faster again. I think looking at it as a community as a whole it might be a mistake to have that whole segment high density land developments.

Mr. Barnhart replied that he too felt land-use was the relevant question. He argued that the proposed rezoning was an example of good land use--that the proposed use would be compatible with neighboring areas and the existing topography.

Councilman Ackerman asked Mr. Crossman if he saw any alternative to apartments such as the alternative that Mr. Lindman proposed as acceptable for the area.

Mr. Crossman replied: Since you asked a direct question I will have to answer it somewhat in contradiction to the specific recommendations before you from the Planning Commission. The staff recommendation to the Planning Commission was a slight modification of what the Planning Commission ultimately recommended. Since you asked if we saw a possible variation the answer is yes. We in fact recommended something slightly different than what was ultimately passed on to you. We suggested that the front end of Fountain Park II be zoned RL and that the back portion be zoned RH. This probably would in no way affect the design of the Fountain Park proposal but it would do two other things. It would insure that the frontage along the road that is most visible to the surrounding residents maintain the lowest possible density. I would also insure that future development on the sight marked exception and the adjacent sight could come in with an RL density rather than an RH density. Now this is not a PUD recommendation per se. But it is a modification of density patterns to help create a transition between the single family area to the south of 10th street and the higher density project that would be to the rear of the development.

Councilpresident Ackerman asked for the Roll to be called on Ordinance 73-85.

Councilman Morrison: AYE

Councilman Behen: AYE

Councilman De St. Croix: AYE

Councilman Fix: NO

Councilwoman Zietlow: I find myself in a real quandry because it seems to me that the traffic is one of the major concerns here. It is a very important thing; apparently sewage no longer is. I hear people talking against the traffic issue and saying that there just isn't going to be enough capacity for traffic. Yet there are many alternatives. Some alternative which have been suggested at least allow for as much traffic. That does confuse me. I think, being realistic about the development out there, that the ravine will in fact be a buffer, and that the RH is not likely to extend very much beyond the ravine. I certainly do not think that the low income factor in PUD was the major facotr, because we did not make the density high enough in the PUD to enable it to be inexpensive enough to provide low cost housing. I would like to see some modification in the zoning. The RL-RH does in fact appeal to me. It is to late I think to make an amendment right now. I am afraid that I will have to vote AYE.

Councilman Mizell: NO

Councilman Towell: I feel that one thing that is indicated here is that in fact one of our very best builders has not accepted the whole process of planning as it is practiced by our boards and commissions and council. I feel that we had a promise that really had no value. I see that no modifications were made of the plans we had once. Clearly in our discussion we wanted some difference so I will vote NO.

Councilpresident Ackerman: I voted no last time and find this an even more difficult decision this time around. But I am

still not convinced that this is the proper zoning for this land. The zoning of RH across the street already there so I am staying with my NO vote.

THE MOTION FAILED FOR LACK OF A MAJORITY BY A ROLL CALL VOTE OF AYES 4; NAYS 4. NAYS: Fix, Mizell, Towell, Ackerman.

Councilman De St. Croix moved that Ordinance 74-6 be introduced and read by the clerk by title only. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-6
"One Way Streets
and Alleys"

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-6 by title only.

Councilman De St. Croix moved that Ordinance 74-7 be introduced and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-7
Repealing Chapter
2.79 of the City
Code

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-7 by title only.

Councilman De St. Croix moved that Resolution 74-4 be introduced and read by the clerk. Councilwoman Zietlow seconded the motion. The motion was carried by a unanimous voice vote.

RESOLUTION 74-4
Declairing
Ann Smith Day

Grace E. Johnson, City Clerk, introduced and read Resolution 74-4 in its entirety.

Councilman De St. Croix moved that Resolution 74-4 be amended to read the last sentence proclaim January 18, 1974, Ann Smith Day. Councilman Fix seconded the motion.

THE MOTION WAS CARRIED BY ACCLAMATION.

Councilman Fix said that the report on the Noise Abatement Ordinance is being compiled now by a subcommittee. There report will be coming at the next council meeting.

Councilman De St. Croix moved that the meeting be adjourned. Councilman Morrison seconded the motion

ADJOURNMENT

Councilpresident Ackerman adjourned the meeting at 12:00 midnight.

James S. Ackerman
James S. Ackerman
Councilpresident

ATTEST:

Julaine Thomas
Julaine Thomas, secretary