

In the Council Chambers of the Municipal Building, on Thursday, April 18, 1974 at 7:30 p.m., with Councilpresident James S. Ackerman presiding.

REGULAR SESSION  
COMMON COUNCIL  
CITY OF BLOOMINGTON  
INDIANA

Present: Jack Morrison, Richard Behen, Wayne Fix, Charlotte Zietlow, Sherwin Mizell, Alfred Towell, Flo Davis, James S. Ackerman

ROLL CALL

Ted Najam, Administrative Assistant; Tim Hodenfield, Director of the Board of Wroks; Bruce Wackowski, Attorney-Director Human Rights Commission; James Register, Corporate Counsel; Martha Sims, City Controller; Rasoul M. Istrabadi, City Engineer; Tom Crossman, City Planning Director; Grace E. Johnson, City Clerk;

CITY OFFICIALS PRESENT

About 50 other people including members of the press.

OTHERS PRESENT

Councilman De St. Croix moved that the minutes of March 26, April 4, and April 8th, be approved as distributed. Councilman Behen seconded the motion.

Minutes

3/26/74 4/4/74  
4/8/74

Councilman De St. Croix moved that the minutes of 3/26/74, 4/4/74, 4/8/74 be tables and reconsidered at the next Council meeting to enable further study of them.

Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

NONE

MESSAGE FROM THE MAYOR

Councilpresident Ackerman welcomed Councilwomen Davis to her first Council Meeting.

MESSAGES FROM  
COUNCILMEMBERS

Councilman Morrison moved that Ordinance 74-26 be introduced and read by the Clerk by title only. Councilman Behen seconded the motion. The motion failed due to a lack of a unanimous voice vote. Councilman Towell explained that he would like to hear the Ordinance read in its entirety.

Ordinance 74-26  
Annexation of the  
Sarkes Tarzian Plant

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-26 in its entirety.

Councilpresident Ackerman asked Corporate Council Register if the vote on the motion would invalidate the ordinance. Should it be moved that it be read again by title only?

Mr. Register answered yes.

Councilman De St. Croix moved that Ordinance 74-26 be introduced and read by the Clerk by title only. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk introduced and read Ordinance 74-26 by title only.

Councilman Morrison moved that Ordinance 74-27 be introduced and read by the clerk. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-27  
Annexation of the  
Yorktown Apartments

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-27 in its entirety.

Councilpresident Ackerman explained that these two ordinances concern the annexation of the Sarkes Tarzian Plant and the Yorktown Apartments.

Corporate Counsel Regester explained that Ordinance 74-26 if adopted would not only annex the Sarkes Tarzian Plant but two 46 acre tracts with the dimension of 2640 feet east and west, 1320 feet north and south also to the west of that 40 acres it annexes a seminary lane that is 16 feet wide and would also annex 23 lots running from north to south, it would annex all of Woodlawn Avenue. There is considerable territory here being annexed.

Mr. Regester explained Ordinance 74-27 by using a map with Yorktown Apartments set out in red. Smith Road, 3811 Morning Side Drive west side of Smith Road, South of the Illinois Central Railroad. These two ordinances have been prepared by the Legal Department and represent what will be a steady and accurate comprehensive annexation program. The program will involve properties that at this time are already geographically circumscribed by the present City itself and all of these properties are now served with utilities.

Councilman Fix suggested to the Council that all ordinances concerning the annexation of adjacent and contiguous territories be read in their entirety unless it is the specific request of the petitioner to be annexed.

Mr. Regester said that the ordinances that are being processed are not voluntary annexations. They are being prepared by the Legal Department and presented to the Council for their consideration.

Councilman Morrison moved that Appropriation Ordinance 74-7 be introduced and read by the clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Appropriation Ord. 74-7  
Revenue Sharing

Grace E. Johnson, City Clerk, introduced and read Appropriation Ordinance 74-7 in its entirety.

Councilman De St. Croix moved that Ordinance 74-20 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 74-20  
Repeal of Chapter  
15.68.110 of the  
City Code.  
"Penalty for Violation"

Grace E. Johnson, City Clerk,  
introduced and read Ordinance  
74-20 by title only.

Councilman De St. Croix moved  
that Ordinance 74-20 be adopted.  
Councilman Mizell seconded the  
motion.

Council President Ackerman explained  
that Ordinance 74-20 removed the  
penalty clause from Section 15.68.010  
through 15.68.110. Council President  
Ackerman asked for an explanation  
why this was necessary.

Councilman De St. Croix moved that  
Ordinance 74-20 be tabled until  
the Council gets a clearer explanation.  
Councilman Towell seconded the motion.  
The motion was carried by a unanimous  
voice vote.

Councilman De St. Croix moved that  
Ordinance 74-21 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 74-21  
Amending chapter  
17.12 of the City  
Code "Electrical Code"

Grace E. Johnson, City Clerk,  
introduced and read Ordinance 74-21  
by title only.

Councilman De St. Croix moved that  
Ordinance 74-21 be adopted.  
Councilman Morrison seconded the  
motion.

Councilman De St. Croix said that  
he remembered the last time the  
Council discussed the amendments  
to the Municipal Code for the  
Electrical Code the Council had  
extensive discussion about the  
licensing, the examination,  
notice of time and place.  
Councilman De St. Croix said that  
the Council indicated at that time  
that the exams should be frequent  
enough during the year and specified  
an amendment to the code that they be  
of such frequency so as not to  
exclude an independent out of  
town contractor from bidding on  
a local project. Councilman  
De St. Croix said that this amendment  
would give the Electrical Board total  
control with no indication of the  
regularities, time spacing of those  
examination.

Mr. Istrabadi, City Engineer,  
explained that there are two  
reasons for doing this. When the  
ordinance passed last year Mr. Istrabadi  
was on vacation and not  
available for consultation. The  
Electrical Board has received about 35 applications asking  
that Bloomington have some kind of conformity with other cities  
like Anderson, Muncie, and Indianapolis, because many contractors  
in town find that when things are slow in Bloomington they would  
like to go to other cities and work. After investigating and  
writing to many cities they have found out that  
they have adopted a system which is called the block examination.  
It is a nationally recognized firm that sits at these exams and

and gives it on periodic bases. Indianapolis gives it every 12 weeks. Bloomington will give it every 12 weeks again, we would do it in such a way that a person would have the chance to take it either here or in Indianapolis, or Muncie, making it a quarterly exam. Bloomington would alternate it with Indianapolis.

Councilwomen Zietlow asked if this was the recommendation of the Electrical Board?

Mr. Istrabadi said that it was.

Councilman Morrison said that the way this is worded the building has to be up and wired before there can be any power turned on. There should be a provision for temporary power.

Mr. Istrabadi said that provision is in the original ordinance.

Mr. Istrabadi said that they have found that on temporary construction sometimes the wiring is not done properly. They can tag it but they do not have an ordinance to protect that tag and that is why they introduced section two.

Councilman Morrison asked if he wanted to build a home and set up a temporary base for power he could not do it under this ordinance.

Mr. Istrabadi said that he could. When they inspect it and give their okay they can do it. Mr. Istrabadi said that he would check on this though.

Councilwomen Zietlow asked if this was saying that no person, firm, or association, or corporation shall furnish any electrical current to any building before it is furnished with a certificate. The certificate comes before the wiring takes place.

Mr. Istrabadi said that was correct.

Councilwoman Zietlow asked Councilman Morrison if he was saying that it is sometimes necessary to have electricity before the structure is complete.

Councilman Morrison said yes that sometimes it is necessary.

Councilman De St. Croix asked Mr. Istrabadi to report back at the next council meeting as to whether or not the ordinance does make that provision or not. If not Councilman De St. Croix asked Mr. Istrabadi to have an amendment prepared to take care of that.

Mr. Istrabadi said that he would do that.

Ordinance 74-21 failed by a ROLL CALL  
VOTE OF AYES 1; NAYS 8;  
Ayes: Behen.

Councilman De St. Croix moved that Ordinance 74-24 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 74-24  
Rezoning of  
"Fountain Park"

Grace E. Johnson, City Clerk,  
introduced and read Ordinance 74-24  
by title only.

Councilman De St. Croix moved that Ordinance 74-24 be adopted. Councilman Morrison seconded the motion.

Councilman Behen asked Mr. Register if this was a totally new ordinance that was being voted on this evening.

Mr. Register said that this is a new ordinance that was drawn by the Plan Commission and is now being presented to the Council. It is a new ordinance. It was presented in response to an opinion by the Legal Department to the effect that the Plan Commission could at any time institute a new zoning ordinance. This is true regardless of whether or not the same ordinance or a similar one had been voted on previously. The Plan Commission has the right to institute a new application and is not bound by the waiting period that an applicant would have been bound had they applied and failed.

Councilman Mizell said that the concern of Councilman Behen maybe if in fact this is a new ordinance. It was not introduced to the Plan Commission in the normal way that an ordinance is introduced. The public did not have prior notification and it was placed on the agenda of the agenda setting meeting as a resolution not by suspension of the rules to be included in the previously published agenda. Which is contrary to the normal rules of procedure of the Plan Commission.

Mr. Register said that he did not attend the Plan Commission Meeting but was told that this ordinance was instituted by the Plan Commission and voted on by a majority of the members of the Plan Commission and forwarded on for consideration in the form of this ordinance to the Council. If that is true than Mr. Register said that this ordinance is proper before the Council.

Councilman Towell said that it is supposedly different in that it has different zones from the last ordinance that the Council considered. As Councilman Towell understands it this did not entail a change of plans by the developer. The same plan would fit the new zones.

Councilman Mizell said that was correct.

Councilman Towell said that the developer can in effect build exactly what he wanted to build before.

Councilman Mizell said that is correct.

Councilpresident Ackerman said that according to Mr. Register the legal point is that the one year moratorium applies to those people who are initiating

the petition. The same time period does not apply to the Plan Commission.

Mr. Register said that the same time period does not apply to the Plan Commission. The Plan Commission has the right at anytime to institute a new application for any land.

Councilwoman Zietlow asked if it was the Plan Department that initiated the ordinance?

Councilman Mizell said that it was presented to the Plan Commission in the form of a resolution. Councilman Mizell said that he did not know where it originated.

Councilwomen Zietlow asked if this was a regular procedure of the Plan Commission.

Councilman Mizell said that in his experience with the Bloomington Plan Commission that this is the first time that a petition was initiated by the Plan Commission itself rather than the property owners except for the zoning maps.

Councilpresident Ackerman said that he sees this as the process of finalizing the zoning maps.

Tom Crossman, City Planner, said that in the past year and half that he has been with the City Planning Department that this is probably the first time that a specific piece of property was introduced by a member of the Planning Commission to the Planning Commission. All of the ordinances that come before the Council are ordinances that are initiated by the Planning Commission.

Councilman Towell said that in fact anybody who has had something rejected could technically bring it back at any time. Because they have not used up their chance to petition the Plan Commission has petitioned.

Councilpresident Ackerman asked who does the one year moratorium apply.

Mr. Crossman said that if you in fact have a petitioner applying for an ordinance if that petition is rejected by the Planning Commission and than in turn not confirmed by the Council he than must wait a year before he reinstated that petition. When the Plan Commission receives request from individuals to rezone their property the Plan Commission than procedes on the procedure. The difference between this and some other cases are that the State Law is that the Planning Commission did not reject this petition.

Councilman Behen said that the question he asked Mr. Register was in regards to the legality of what the Council was doing here tonight and under no circumstances did he mean as to the legality as to what the Plan Commission had done or not done.

Councilwoman Zietlow felt that the Council should be blunt because there are a lot of people concerned about this issue. If we are dealing with the same land uses that we were going with before in effect and if it has been brought up in a way that has'nt been previously used Councilwoman Zietlow thought that the Council should discuss that quite openly and thoroughly before we proceed.

Councilman Mizell asked the Plan Department if they could identify the owners of the property in question.

Mr. Crossman said that he could not positively identify the owners of all the properties in question. The predominant parcel is owned by the Alexanders, he could identify all of the adjoining property owners by the certified mail that they were sent. But Mr. Crossman could not tell which ones owned which pieces of property.

Councilman Mizell asked if some of the property belonged to the Headley's.

Mr. Crossman said that he believed so. Mr. Crossman said that they were on the certified mail list. He said that he did not have the list of adjoining property owners with him.

Councilman Mizell said that as one proceeds east on 10th Street from the existing Fountain Park Apartments there are two houses which front on 10th Street just north of 10th Street. What are the names of those property owners.

Mr. Crossman said that he could not tell him positively.

Councilman Mizell asked Mr. Crossman if he could positively identify if these people were notified that their land is being considered for rezoning.

Mr. Crossman said that certified mail was sent to all the people adjacent to the original tract that was applied for and all the people to the best of his knowledge that were involved in the rezoning. Mr. Crossman said that he could give them the list of everybody that was notified but that he did not know if they were adjacent property owners or if they notified as interested parties.



Councilman Mizell asked if all people whose land was being considered for rezoning had been notified.

Mr. Crossman said that as far as the tax records show as owners yes they had been notified.

Councilman Mizell asked if Mr. Crossman could identify the owners of the various parcels.

Mr. Crossman said that he could not with what he has here.

Councilman Towell said that he was still interested in the procedures and whether the moratorium has any affect. Councilman Towell said that his interest is in seeing fairness for everyone. If one person can get around the moratorium than it seems that we ought to advertize that anyone can. So that everybody is treated the same. So if we have the Plan Commission initiating the petition and they can come back anytime they wish. Councilman Towell said that he did not see why the Plan Commission shouldn't do it again for individuals as they did perhaps this time. Councilman Towell wanted to know if that is true in other words in fact to shorten the procedures the Plan Commission is the technical initiator of all petitions. Would that mean that any petitioner than could come again as soon as he likes or else the Plan Commission could start again as soon as they like.

Mr. Register said that this is true. Mr. Register also said that any person who wants to have rezoned any parcel of land first has to convince the Plan Commission to initiate that action. It is not being initiated by the property owner but by the Plan Commission. The protection of against the repeat of rezoning of various tracts of land is the assumption that the Plan Commission will act properly. That is the protection against having the same property owner apply and reapply and reapply. The protection against frequeat reconsiderations is the integrity of the Plan Commission.

Councilman Towell said that Mr. Register put that very well but there is the additional thing that since the individual property owner has not used up is petition he could start that longer process at any point.

Councilpresident Ackerman said that the Council could rule him out of order but he did not see this as a resubmission of the same thing. It seemed to Councilpresident Ackerman that the Council is still trying to act on the original zoning map that they have never reached a decision which was held up in the courts for this property. It is entirely appropriate and that it is not setting any precedents for anyone else.

That the Council continue to try to fulfill its obligation of establishing some kind of zoning for that territory.

Councilman Towell asked the Council to overrule the Chair.

Councilman Towell asked Councilpresident Ackerman if he was making a ruling that any discussion of this is out of order.

Councilpresident Ackerman said yes.

Councilman Towell asked the Council to overrule that. Councilman Mizell moved that the Council overrule Councilpresident Ackerman's ruling. Councilman Towell seconded the motion.

The motion to overrule was carried by a ROLL CALL VOTE OF AYES 5;NAYS 4; NAYS: Morrison, Behen, De St. Croix, Ackerman.

Councilwoman Zietlow pointed out that there is a zoning right now for this land. The present zoning is RS and RE.

Councilman Mizell said that it is presently zoned RS and RE by action of this Council in approving the land use maps that were presented to this Council by the Plan Commission. This land was zoned in the new Zoning ordinance and the land use maps. It has a new classification of RS and RE. This is a rezoning after the zoning which was approved by this council last year.

Councilman Fix said that it seems from this discussion that if a petitioner has been turned down on rezoning than no time lapse at all if he can encourage a member of the Plan Commission to reenter this that is permissable.

Mr. Register said that this is permissable.

Councilman Fix repeated that the petitioner himself cannot bring before the Plan Commission but he can entice a Plan Commission member to do so.

Mr. Register said that Mr. Crossman was asked if he could identify the owners of this land. As Mr. Register viewed it this is not material. The Council is not dealing here with people you are dealing with the land classifications and the Plan Commission has the right at any time without reference to anybodies ownership or wishes to rezone or zone land. You are not rezoning people you are determining whether this tract of land is being classified properly.

Councilpresident Ackerman asked if it was not a legal necessity to notify people when they are surrounded by the land in question.

Mr. Register said that he construed Councilman Mizell's question went beyond that his question also sought the identification of the owners of the land which are now being considered for rezoning.

Councilman Mizell said that he has reason to believe that the people who own that property are not aware that their property is being rezoned. Councilman Mizell is questioning whether or not they have received legal notice that their land is under consideration for rezoning.

Councilpresident Ackerman asked if Councilman Mizell could name some specific names.

Councilman De St. Croix asked for the names of these people that Councilman Mizell questioned.

Councilman Mizell said that he did not recall their names right now but, he has never heard any reference to the owners of property on the two houses immediately east of the existing Fountain Park.

Councilpresident Ackerman asked Mr. Crossman to read into the record the names of the people who were sent notices.

Mr. Crossman read the following names into the record  
Louis H. Rogers  
George Blume representing Indiana University  
Mr. and Mrs Fred Patton  
Charles W. Journal  
Mr. and Mrs Joseph Garton  
Mr. and Mrs James Headly  
Virginia Dare Gaston  
Elizabeth Ann Henkle

Councilpresident Ackerman asked if the Alexander's were sent notices.

Mr. Crossman said that the Alexander's property was prime consideration. These are the people who surround this property.

Councilman Behen asked Councilman Mizell if he heard the names that he was concerned with.

Councilman Mizell said that he believed they were notified.

Councilwoman Zietlow said that there is a zoning established right now. When did that happen. Councilwoman Zietlow said that she did not think that this was ever settled in the zoning ordinance hearings.

Councilman Mizell said that if you will recall that when the maps were presented to the Council that there was an asterisk by this particular parcel of land which at that time consisted of the Alexander Farm.

The explanation of the asterisk that the Plan Commission had determined that depending upon the ruling of the Superior Court the land would be designated either RH or RS. These maps were presented to the Council and these were the maps that the Council approved. In addition to that the land which is currently owned by the Headley's to the east of the Alexander Farm was at that time approved as RE. So this land was in fact zoned and approved by the Plan Commission and by this Council with the new zoning maps.

Councilman Behen said that his impression was that when they finished the zoning map was that that area was a big question mark left blank. Councilman Behen said that was the way he voted accordingly.

Councilman Mizell said that Councilman Behen was misinformed.

Councilpresident Ackerman said that prior to their voting on the zoning maps that the Council voted in support of the Plan Commissions recommendation by a vote of 6 to 2 for RH. Then they moved to a consideration of the entire zonine map for the city and that part was bracketed because that was already in the courts on the basis of the majority vote of the Plan Commission. Apparently the Plan Commissions alternative was if the Courts rule in favor of the petition that it would than go over to RS and RE. So in a sense the Council did vote in approving the entire map for the present zone.

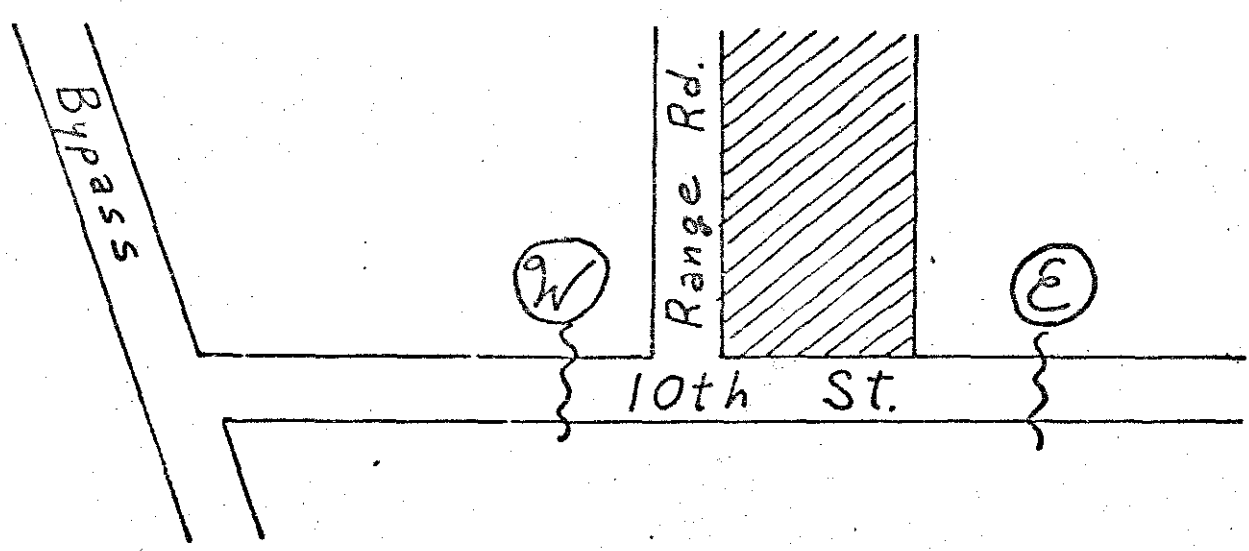
Councilman Mizell said that it was the only parcel of land that was identified with an asterisk

Mr. Harold Lindman, president of the Grandview Hills Neighborhood Association, presented the Council with a letter that pointed out quite clearly the Council man Behen does not hear a rumor.

Mr. Lindman said that they have been in contact with their attorney's, we have a list of statements and reasons why we feel that this consideration is illegal and in violation of state statutes.

Mr. Lindman said that the State Statutes says in plain English that the matter cannot be rerasied after it has been rejected for one year it does not state who may or may not reraise it. The people of the east side are angry, we feel that this is harassment, and I would like to start by pointing out a statement made by Clem Blume, PPlan Commission President, "In effect this is like

the crocuses it comes up every spring." I mentioned this statement to a colleague of mine and he reminded me that crocuses do not come up, as any good farmer knows, unless they are well fertilized. I guarantee you that we have not been feeding these crocuses. I want to bring this point up because there are few or no new facts to present. You have two sets of facts in front of you presented by the Planning Department and other agencies of this administration. The facts presented by us were gathered by State Highway Department sources and other such sources. I would like to point out to you the credibility of the latest set of facts. The Planning Department in recommending this rezoning has stated that they put counters on 10th Street and they found that an average of only 5.5 cars per day or trips per day rather, came to and from Fountain Park that is 5.5 per unit. I asked to see the tapes of those counts. Mr. Deahl was very kind in letting me see them and in explaining how they got their counts. I would like to explain to you. I have the complete counts what I have here are simply a sample. They are hourly counts and this particular sample the counts are taken between 6 a.m. and 12 a.m. on Wednesday February 5th. It illustrates as well as any how the count was made and how the results were obtained. Two counters were used one on the east side of Fountain Park and one on the west side of Fountain Park. These counters give hourly totals. (showing sketches on the overhead projector) These are the hourly totals. I did not make these figures up these came off the tapes from the two counters. The Planning Department took the difference between these two counts for each hour, assuming that traffic that is not coming from Fountain Park is going through and counting on both counters. Those differences were then summed. For the hours between 6 and 12 on Wednesday morning the sum is 584 cars that was divided by 350 units and for this particular time we find that 1.5 car exited Fountain Park or entered it. I would like to point out some things about these figures that the Planning Department did not seem to notice. First of all you will notice that the difference between 6 and 8 a.m. is in favor of the east counter. In fact that difference is something like 469 cars that communicated with Unionville or Lake Lemon or something like that between the hours of 6 and 8 a.m. That did not seem to bother anybody they did not wonder why more cars than there are units communicated with Unionville between 6 and 8 a.m. Lets assume that the count is correct. Lets assume that that is really true that that many cars communicated with Unionville. Lets look at the method they used for getting their estimates. In taking these absolute differences they made a very interesting assumption or set of assumptions they assumed for example and they had to assume to conclude that this difference and only this difference



Wed, 2/5/74, A.M.

<u>Time</u>	<u>W</u>	<u>E</u>	<u>Diff.</u>
6-7	191	394	(-)203
7-8	512	778	(-)266
8-9	489	428	61
9-10	310	298	12
10-11	300	311	(-)11
11-12	354	323	31
TOTAL			584
Per Unit			1.7

is due to Fountain Park. They had to assume that every single car that came out of Fountain Park between 6 and 7 a.m. in the morning went east. They had to assume that every car that went out between 7 and 8 a.m. went east also. They had to assume that every car that went out between 8 and 9 a.m. went west. That every single car that came out between 10 and 11 a.m. went east. And that every single car that came out between 11 a.m. and 12 a.m. went west. Those are the kinds of figures and those are the kinds of calculations on which your Planning Department is basing its recommendations. Gentlemen I say that is fertilizer. There is a lot of other fertilizer that has been shoveled on this thing. You have two sets of data in front of you. You have data for example that were gathered from the State Highway Department and you have data that were gathered from people like this. This kind of thing has been given to us by not only the planning department but by the Legal Department and their recommendations will be tested in court again if this is passed, by the engineering department and the utilities department. The people on the east side are sick of this. You people and the City administration both campaigned for better planning, better zoning, we feel that the City administration has sold us out. We have no recourse before the Plan Commission. We are left with nine people. We are bringing our appeal before the only people we feel we have any hope.

Councilman Towell paraphrased Mr. Lindman's phrase about cars going east and west. You are saying that the cars that came out of Fountain Park in fewer numbers going one direction or the other were subtracted rather than counted. Is that what you are saying?

Mr. Lindman said it could be that 500 cars came out and went one way 510 came out and went the other way the difference would be 10 and the Planning Department would have counted 10 cars.

Councilman Towell asked Mr. Crossman to respond to that. Councilman Towell did not feel that the basic point requires the quantities it is just whether there is an inaccuracy in subtracting like that.

Mr. Crossman asked to briefly outline what the Plan Department did. We did not analyze our counts on an hour by hour basis. We took on one of the counters a seven day count on the other counter a 48 hour count. We took the difference between east and west on a daily basis not on an hourly basis. The net result of the discrepancies that Mr. Lindman alluded to were never apparent. The assumption was that the vast majority of traffic that was not through traffic was generated by Fountain Park. We were not really interested in an hour by hour count. We had at this point in time a national average of the traffic that would be

generated per apartment unit. In fact we had no intention of an attempt to find a way to count specifically the traffic generated by Fountain Park until Mr. Lindman came up with a figure of 10 trips per unit. Which seemed in excess of the national average by a two to one margin. The national average is around five trips per unit. Admittedly the method used in determining the difference between east and west was crude however, it did come up with averages that were pretty close to the national average and we did not check it further. However, we had a means of further checking the differences in as much as we also had a counter east of Smith Road. Without too much hesitation we can believe that most of the traffic that crossed the counter east of Smith Road did come from outside of the Fountain Park area. The count east of Smith Road was 5,377 vehicles per day. Now if this figure is subtracted from either of the daily total (that was a 48 hour total) one of the two counters, the east or the west. the difference of 2,278 vehicles could be attributed not only to Fountain Park but to all of Grandview Hills that happen to be using 10th Street. That difference 2,278 vehicles averages 6.6 vehicles per unit if every single vehicle is attributed to Fountain Park. In assuming that some of that traffic will be from Grandview Hills we are still in the range of 5 vehicles plus or minus.

Council president Ackerman asked Mr. Crossman to repeat his figures.

Mr. Crossman said that the counter that was located west of the existing Fountain Park averaged 7,655 vehicles. The counter east of Fountain Park 7,584 vehicles. The counter east of Smith Road, measuring the out of area count, 5,377. The total difference 2,278 which if you assume every single trip in that area is generated by Fountain Park and that no trips what so ever are generated by Grandview Hills you have 6.6 trips per unit. Mr. Crossman did not think that you could make that assumption.



After considerable discussion on the counting procedure used Councilwoman Zietlow concluded that we really do not have good figures on the traffic count.

Councilman Towell asked what is the rated capacity of the road according to your assumptions.

Councilman Mizell said it was 4,300 per day.

Councilman Towell said that the figures you show really mean that we are edging up on twice the capacity.

Mr. Crossman said that their estimate of the rate of capacity of the road is 10,400.

Councilman Mizell said that the State's published capacity is 4,300 per day.

Councilman De St. Croix said that he was not a traffic engineer and did not understand this stuff very well. But, if the question is to find out how many cars come in and out of the apartment complex why don't you just run the hose across the drive way.

Councilpresident Ackerman said that this question was raised and they were told that you could not put the wires in such a way that they would be hit at the correct angle.

Mr. Crossman said that the driveway is involved in a turning movement that is fairly close to the intersection so you would get double counts when the wheels crossed them twice.

Councilwomen Zietlow said that she could see the interest in finding out how many cars go in and out of Fountain Park but it can only be an indicator. I really don't understand any of those figures they do not make sense at all. The differences there don't make any sense.

Councilpresident Ackerman said that it is based on the assumption that all of the traffic, admittedly it has the percentage of error, moving out of Fountain Park is going to move into the town area. Mr. Crossman do you have a comment on Mr. Lindman's figures where everybody seems to be going to Lake Lemon.

Mr. Crossman said that we did not analyze this on an hourly basis until those figures were made available. Mr. Deahl who lives in the area said that there are a significant number of people who leave Fountain Park and go down Smith Road to 3rd Street using 3rd Street because it is either easier or more direct to where they happen to be going.

said that there are a significant number of people who leave Fountain Park and go down Smith Road to 3rd Street using 3rd Street because it is either easier or more direct to where they happen to be going.

Councilpresident Ackerman said so that means these figures are accurate.

Mr. Crossman said that he presumes that the counters are accurate.

Councilpresident Ackerman said that they were also read accurately by Mr. Lindman.

Councilman De St. Croix said which means that the difference of people go down Smith Road.

Councilwoman Zietlow said yes.

Mr. Lindmen pointed out two things.

1) I was not told that they were daily totals. I was told that they were hourly totals and the hourly totals come out to approximately that. I don't think that Mr. Crossman has yet explained where those 469 people are going. That they all went down Smith Road seems a little bit strange to me. I was shown only tapes for two days and I have those figures. I will propose another possible explanation since during part of the time those counters were not working in fact the tapes indicate it. I would propose that perhaps that west counter isn't counting like it ought to be. Lets suppose for example that the number of cars now is the same as it was last fall than that west counter should have counted 10,400 cars. That is what it counted last fall. If you take out of that the 7,7500 cars it had counted on the east counter you would have an average of around 9 1/2 cars per unit. I would also purpose what we have told you before and repeatedly that it is not road capacity as such that the state is interested in any more that is obsolete, it is out of date. The state now uses very sophisticated computerized needs analysis. We gave you a copy of that. There is among other things a sub-total capacity rating of 0 for that road out of a possible 30.

Councilpresident Ackerman said that Mr. Lindmen is repeating things that have already been discussed and I would like to give other people a chance to speak.

Mr. Lindmansaid that the total sufficiency rating for the road was 38 out of a possible 100. Whereas the State considers the road with a value as low as 70 to be very much in need of improvements.

Carrie Morrison, President of Eastern Heights Association, said that we have chosen to address ourselves to a very narrow aspect of the whole thing and this is the buffering of apartments. We feel that we are qualified to know what buffering is not, by living in Eastern Heights. About 20 years ago Eastern Heights sub-division was begun. In the ensuing ten years about 100 home were built of which approximately 85% are single family dwellings. The remainder are duplexes which are scattered at random throughout the sub-division. We would like to point out that Eastern Heights has been developed before any ground was broken for Meadow Park Apartments by several years. After living in a comfortable moderately priced home for several years residents of Eastern Heights suddenly had new and very "close" neighbors. These neighbors were not the kind that would be called upon by the Welcome Wagon Hostess. These new neighbors were two and three story eight unit brick apartment buildings. There were in front of, at the side of, and behind our homes, in many cases not more than 50 feet away. There was no buffering of any kind not even that of space. When this situation proved intollerable for some home owners they put their property up for sale. It was than that we knew what those brick walls were for they were to beat your head up against when no one would buy your property for the same reason that you were trying to sell it. Many of the original owners therefore remained in residents and many have become very bitter. The more fortunate people who live on other streets in Eastern Heights are still very much aware of this mass of apartment buildings in such close proximety. They are reminded everytime they open their eyes to the view that they have from their picture windows, yards and streets. Now we realize that there is nothing that can be done about this situation but after having lived with it for several years and knowing that we will have to live with it for the rest of the remainder of the years that we live there we would hope that this same thing will never happen again anywhere in Bloomington. So in both this situation of FountainPark and in any others please be very sure that buffering is real. Trees, space or intermediate density dwellings and not just a term that appears on paper. That low density means single family dwelling and not an area occupied by concrete streets and drives. So that people who build or buy a home will be able to live in it comfortable for the rest of their lives or sell it for a reasonable profit, instead of not being able to give it away.

Mr. Al Morrison showed slides while presenting his presentation. They were slides of the homes in Eastern Heights and how they were affected by the Meadow Park Apartment with little or no buffering.

April 18, 1974

Mr. James Ackerman, President  
Bloomington Common Council  
Bloomington, Indiana

Dear Mr. Ackerman:

The purpose of this letter is to make certain that the reasons --given previously to both the Bloomington Plan Commission and the Common Council--why we feel that this rezoning is illegal are clear. The reasons, which apply equally to the present ordinance (rezoning approximately 25 acres of land east of Fountain Park) as to previous rezoning proposals, follow.

1) The ordinance is in violation of the State statute prohibiting reconsideration of a rezoning petition within one year after its rejection. Although this ordinance appears to be different from the previous one, it is, in both its purpose and its effect, identical to the previous petition.

2) As previously, the petition passed the Plan Commission only with the approval of two Plan Commission members who have conflicts of interest. They own liquor stores, and Mr. Young, the original petitioner is on the State Alcoholic Beverage Control Board. Although Mr. Young is allegedly not the author of this petition, we have evidence that he still has an interest in the subject property and that this rezoning would suit his purposes.

3) The Plan Commission violated its rules of procedure by:

- a) failing to present a properly drawn up petition for the rezoning;
- b) failing to notify residents prior to the agenda meeting;
- c) failing to provide relevant data to interested residents prior to the rezoning meeting;
- d) failing to provide a written statement of the reasons why the Plan Commission approved the rezoning.

4) The ordinance is in violation of the State Statute 53-701 which requires that the rezoning be in the best interests of the public, and states specifically that rezonings for which facilities are inadequate are illegal. The facts concerning adequacy of both road roads and sewers have been presented publicly both to you and to the Plan Commission.

Yours truly,

*Harold R. Lindman*

Harold R. Lindman  
3522 Grandview Dr.  
Bloomington, Indiana

3619 Longview Avenue  
Bloomington, Indiana  
April 17, 1974

Mr. Ackerman & City Council Members,

We are co-owners of the five acres adjoining the Alexander property on East Tenth Street which the city is discussing rezoning.

We feel that rezoning of this land at this time from RS to RL and RH would be the most beneficial to the city of Bloomington.

We would very much appreciate your voting in favor of this project.

Respectfully yours,

*James W. Headley*  
*Lona C. Headley*

W. L. Commission

Apr. 16<sup>th</sup> '14

Mr. G. S. Ackerman  
Plan. Bloomington City Council

Dear Sir:

I own property across from  
the Alexander road. Also across  
the fence from "Grand View"

I am in favor of the  
Zoning as passed by the zoning  
board at their last meeting.

Would you please read this  
letter at the Council meeting?

Thank you

Mrs. George Easton  
3630 E. 10<sup>th</sup> St.

Council president Ackerman said just one point of clarification Mrs. Morrison said that the kind of people who moved into these apartment buildings would not be called on by Welcome Wagon Hostess. My wife is a Welcome Wagon Hostess and I will guarantee you that she does call on everyone who comes into town.

Mrs. Morrison said that she knew that point might be misconstrued, actually I tried to throw in a little humor there. I meant that the apartment building per se was the neighbor not the people who live there.

(From this point on the tape recorder was not working properly. )

Mr. Arlan Alexander, owner of land being redeveloped, spoke in favor of the rezoning ordinance.

Mrs. Walter Nugent spoke against the the ordinance rezoning the Alexander property.

Mrs. Norma Bristow of the Green Acres Association spoke against the ordinance.

Mrs. Maria Harlan spoke against the ordinance.

Clem Blume, Plan Commission President, informed the Council that no outside pressure had been placed on the Plan Commission to instigate this rezoning ordinance.

Ordinance 74-24 was passed by a ROLL CALL VOTE OF AYES 7; NAYS 2;  
NAYS: Fix, Mizell

Councilman Morrison moved that Ordinance 74-23 be introduced and read by the Clerk. Councilwoman Zietlow seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-23  
Rezoning (Country Club)

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-23 by title only.

Councilman Morrison moved that Ordinance 74-23 be adopted. Councilman Towell seconded the motion.

Tom Crossman said that the proposal is simply to change the zone for that portion of the country club that presently includes the site of the existing club house. They intend to move their club house to a site farther back and they propose to develop a series of town houses at a low density. The major reason for the request is that the development of townhouses requires an RL zoning even though the density in this case would as low or lower than the single family density. The tract is irregular but it appears to be compatible with the sorts of uses that are generally in the area which are residential. The townhouses would be for private ownership and not rental units.

Tom McDonald, representing Bloomington Country Club, showed the councilmembers an overall drawing and discussed it with them. Mr. McDonald said that the 3.5 plus or minus acreage which was incircled on the map is generally the area right now of the country club club house. The country club is going through a redevelopment stage where they are going to add an additional nine holes of golf making a total of 18 holes. They have land available which lies immediately west of the present country club addition. The club house is to be relocating to an area which would lie approximately 300 feet due west of the northwest corner of the present country club addition. The country club addition extends approximately 1105 feet east and west.

Councilman Mizell asked if Mr. Crossman had a zoning map of that area.

Mr. Crossman said that he assumed the information that was sent to council had included the maps. Mr. Crossman said that he would go get it.

Mr. Crossman showed a zoning map on the overhead projector and explained the map. Mr. Crossman said that one of the major considerations that was before the planning commission was whether or not the development proposed would add to the flood potential in this area. The information given to the technical advisory committee indicated that the proposed development would have less surface than the present development.



The parking lot would be torn up and the land that would be covered by the structure would be less than what is currently covered by structural parking. So no additional problem would be created.

Mr. McDonald said that this is part of the program that the country club has entered into to redevelop and this is one of their means of financing the project. It is projected that the amount of run off will be reduced by a less structured area because of the present parking lot that is there for the club house by at least 50%. They will be extending the sewer line to the proposed roadway which will serve the new club house and the sewer will be made available to people who back up to the sewer.

Councilwoman Zietlow said that the buffering would be of terrific concern.

Mr. McDonald said that they do have to go back before the planning commission with their site plan.

Councilman Mizell asked Mr. Register if this land is currently annexed to the city?

Mr. Register said that it is not currently annexed and it is not within the scope of the present plan.

Mr. McDonald said that the country club is approximately a mile and a half from the closest city boundary. Which could create a problem as far as annexation is concerned. Mr. McDonald said that he does have the authority of the board of the country club to file a paper that they would not protest any annexation if this is necessary

Councilman Fix said that many people in Country Club Manor would like to have sewer service.

Mr. McDonald said that sewer is available to the point that the sewer lines do cut through the country club property.

Councilman Fix said that he felt that the city should get sewers into that subdivision and annex them and make them happy.

Ordinance 74-23 was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved that Ordinance 74-25 be introduced and read by the Clerk by title only. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-25  
Amending Chapter  
15.68 of the City  
Code "Parking Lots"

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-25 by title only.

Councilman Morrison moved that Ordinance 74-25 be adopted. Councilwoman Zietlow seconded the motion.

Councilpresident Ackerman explained that it is regarding the parking lot connected with the municipal building.

Councilpresident Ackerman said that the six would probably be at the back of the Curry Building or on the side.

Councilpresident Ackerman said that the way he understood this ordinance is that it is simply to give the city the legal power. Apparently we denied them the legal power by an ordinance at the end of last year to give them the legal power to put back those parking meters into those ten parking spaces. They would be 60 minute meters on those spaces.

Councilman Behen asked if those few meters that are out there are not legally enforceable?

Councilpresident Ackerman said that this ordinance will give them that.

Councilman Behen asked if the ones out there now are not legal why would six more be legal.

Councilpresident Ackerman said that the council passed an ordinance last year creating that parking lot behind Kirkwood and Dunn at the same time the Council repealed the parking meters for this whole parking lot on municipal lot #6. It was brought up at the last Board of Works meeting, several merchants from this area said that it is very important for them to have some metered parking here to be available for their customers. The Board of Works suggested that there be parking spaces on each side. This ordinance is enabling the Board of Works to put back parking meters into those areas.

Mrs. Steel asked what was the purpose of repealing them in the first place.

Councilpresident Ackerman said that the purpose was to convert this into a municipal parking lot which apparently was the original purpose of this

lot to begin with. For employees of the municipal building.

Councilman Behen said that this has come up in various discussions before. Councilman Behen said that he has no understanding what so every why government agencies feel that they have an obligation to provide parking when no other segment of the community provide free parking. Why does the government have to pay for the parking for all of there employees.

Councilman Morrison asked how many parking spaces were available out there.

Councilpresident Ackerman said 68. We are taking ten spaces away from the city employees and are trying to meter those back. The ordinance does not specify the number we are just giving the city the power to put meters back on that lot.

Mr. Ed Applegate, representing the Penningtons, said that as he reads this new ordinance it says "except in those spaces otherwise designated" where parking meters have been erected on municipal lot #6 the charge shall be five cents per 30 minute period or part there of and ten cents for 60 minute period for use of each space and no person shall park a vehicle in any such parking meter space for a period time longer than 60 minutes between the hours of 8a.m. and 5 p.m. for any days except Saturdays, Sundays and public holidays all other spaces the parking time limit position shall be as designated by signs erected and given notice thereof" Now I may not be reading this right and I would like some clarification.

Mr. Applegate said that if we have 10 heads on the post out there. That is all the meters there is going to be for public parking. Then the others are going to be designated as employee parking spaces.

Councilpresident Ackerman said yes, they will be numbered, people will be given a decal, that is right.

Mr. Applegate said that they were also advised from the Board of Works that there would be a 30 day study period before any action was taken on this.

Councilpresident Ackerman said that his understanding was that this vote simply enable the Board of Works to determine where those parking spaces should be and to put up whatever number they deem necessary.

Mr. Applegate said that he had the minutes to the Board of Works meeting. They site this same ordinance as their ability to tell us what they did do in fact. But they advised us at that time that there would be no further action until such time as a 30 day study and the 30 day study or time period would not begin until the minutes of the Board of Works was signed.

Councilpresident Ackerman said that he was tempted to ask that this be tabled until someone was here to explain this.

Mr. Applegate read the following letter from Mr. Donal Rhodes:

Dear People,

I am most interested in whatever solution that is found about the problem of controlling parking in such parking lot reflect the following considerations

- 1) those who are transacting business in either the municipal building or in one of the seven or eight businesses bordering on the lot should have first priority.
- 2) those who work in the municipal building and need to come and go a great deal

- because of their work should share first priority.
- 3) Those who work in the municipal building and their work does not require them to leave the building during business hours and employees of the businesses in the area should have no special priority.

This is exactly what Harold and Mrs. Pennington stand for. I think that Mr. Curry would stand for the same principles in so far as the patterns here. This area has changed drastically since this building was constructed. We have taken the parking off of third street, we made Washington Street one way and we have allowed business buildings to be built in this area. We have the same problem over on 5th Street there just isn't enough parking to go around. You should not designate a priority group just because they work in a certain location to allow them special privileges in so far as whether they be municipal employees or whether they be business employees. The consideration as outlines in this letter should be taken into effect.

Councilpresident Ackerman said that he did not agree with Mr. Applegates interpretation. It seemed to Councilpresident Ackerman that he would support this ordinance because it does allow them to put back into that lot parking meters which I think is what you would want to see done.

Mr. Applegate said that this ordinance does not quite say that. "Except in those spaces otherwise designated" now that means that this ordinance allows any designation of any parking meter anywhere. Mr. Applegate said that all spaces could be designated by signs.

Councilpresident Ackerman said that this ordinance creates the possibility of public parking.

Mr. Applegate said that it does not increase public parking it creates the possibility only. We were told in the Board of Works that this was the ordinance that they were banking on.

Councilman Towell said that he thought Mr. Applegate's statements were consistent with the Board of Works statements. They want an ordinance passed which will allow them to institute whatever their study indicates. This ordinance changes previous situations to create the possibility of public parking. You are referring to the part of the ordinance which is already there which allowed designated spaces.

Councilpresident Ackerman said that what this ordinance is suppose to do is that the original plan was for municipal employees with four spaces or six on the boys club side and it was going to say "1 hour parking". Councilpresident Ackerman attended that meeting and said that would not be a efficient way of enforcing, it would not protect the merchants on the Washington side

Councilpresident Ackerman would like to see metered parking put back in. So this ordinance is to enable them to go along with what I urged to put some meters back in.

Mr. Applegate said that it does not tell them how many meters they have to put in. It doesn't tell that they have to put in any.

Councilpresident Ackerman said that it does make it possible for them to do it.

Mr. Applegate suggested tabling the ordinance until they find out what is going on.

Councilpresident Ackerman asked the clerk to get Ted Najam and Tim Hodenfield to attend this meeting tonight.

Councilman Mizell moved that Ordinance 74-25 be tabled. Councilman Morrison seconded the motion.

The motion to table Ordinance 74-25 was carried by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved that Appropriation Ordinance 74-5 be introduced and read by the Clerk by title only. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Appropriation Ord. 74-5  
Drug Commission

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

Councilman Morrison moved that Appropriation Ordinance 74-5 be adopted. Councilman Behen seconded the motion.

Appropriation Ordinance 74-5 was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved that Appropriation Ordinance 74-6 be introduced and read by the Clerk by title only. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Appropriation Ord 74-6  
Housing Study

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

Councilman Morrison moved that Appropriation Ordinance 74-6 be adopted. Councilman Mizell seconded the motion.

Appropriation Ordinance 74-6 was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved that Resolution 74-25 be introduced and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-25  
Budget Transfers

Grace E. Johnson, City Clerk, introduced and read Resolution 74-25 in its entirety.

Councilman Morrison moved that Resolution 74-25 be adopted. Councilman Behen seconded the motion.

Councilman Mizell moved to consider each of the three parts of Resolution 74-25 separately. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Mizell moved to consider the budget transfers of the Telecommunications Council. Councilman Towell seconded the motion.

The budget transfers of the Telecommunications Council was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0;

Councilman Morrison moved that the budget transfers of the Motor Vehicle Highway fund be defeated. Councilman Behen seconded the motion.

The motion to defeat the budget transfers of the Motor Vehicle Highway Fund was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0;

Councilman Morrison moved to consider the budget transfers from the Federal Revenue Sharing Transportation Department. Councilman Behen seconded the motion.

The budget transfers of the Federal Revenue Sharing Transportation Department was passed by a ROLL CALL VOTE OF AYES 5; NAYS 3; NAYS: Ackerman, Towell, Mizell

Councilwoman Zietlow moved that Resolution 74-25 be passed as amended. Councilman Towell seconded the motion.

Resolution 74-25 was passed as amended by a ROLL CALL VOTE OF AYES 8; NAYS 0;

## RESOLUTION No. 74-25

BUDGET TRANSFERS

BE IT HEREBY RESOLVED by the Common Council of the City of Bloomington, Indiana, that the City Controller of said City may adjust the appropriations of the following budgets, to-wit:

GENERAL FUNDTELECOMMUNICATIONS COUNCIL:

From 2	SERVICES CONTRACTUAL	
	21 Communication and Transportation	\$50.00
To 3	SUPPLIES	
	36 Office Supplies	\$50.00

SPECIAL FUNDSFEDERAL REVENUE SHARING TRANSPORTATION DEPARTMENT

From 2	SERVICES CONTRACTUAL	
	24 Printing & Advertising	\$2,000.00
To	21 Communication & Transportation	\$2,000.00

Approved by  
Council 4/18/74

James S. Ackerman  
James S. Ackerman, Council president

Approved by  
Mayor 4/24/74

Francis X. McCloskey  
Francis X. McCloskey, Mayor  
City of Bloomington



Councilwoman Zietlow moved that Ordinance 74-25 be removed from the table. Councilman Behen seconded the motion. The motion failed by a ROLL CALL VOTE OF AYES 4; NAYS 4; Nays: Fix, Mizell, Towell and Davis.

ORDINANCE 74-25

Councilwoman Davis explained that she misunderstood the motion and moved that Ordinance 74-25 be removed from the table. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

(I do not have the discussion for this ordinance because it did not record on the tape)

Tim Hodenfield, Director of the Board of Works, explained the reasoning behind the Board of Works decision to present this ordinance to the Council.

Ted Najam, Administrative Assistant, explained the purpose of this ordinance.

Mr. Jerry King, owner of the Fish Gallery, did not feel that this ord. was specific enough.

Mrs. Steele, owner of the Fight Shop, did not feel that this ordinance would leave enough parking space for the surrounding area stores.

Mr. Applegate spoke requesting that a study be done for this areas parking space.

Councilwoman Zietlow moved that Ordinance 74-25 be amended to read "There shall be not less than twenty-three parking meters erected on Municipal Lot No. 6, and where such parking meters have been erected the charge shall be five cents per thrity minute period or part thereof and ten cents per sixty minute period for the use of each space, and no person shall park a vehicle in any such parking meter space for a period of time longer than sixty minutes between the hours of eight a.m. and five p.m. of any day except Saturdays, Sundays, and public holidays. In all other spaces the parking time limit and conditions shall be as designated by signs erected and giving notice there of.

The motion to amend Ord. 74-25 was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilwoman Zietlow moved that Ord. 74-25 be adopted as amended. Councilman Morrison seconded the motion.

Ordinance 74-25 was adopted as amended by a ROLL CALL VOTE OF AYES 7; NAYS 1; Nays: Fix.

Councilwoman Zietlow moved that the Mayor's appointment of Robert P. Bareikis to the Environmental Quality and conservation Commission be approved. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

NONE

PETITIONS AND COMMUNICATIONS

Barbara Restle gave the annual report for the Environmental Quality and Conservation Commission. A copy of this report will be kept on file at the Council Office.

REPORTS FROM OFFICIAL BOARDS AND COMMISSIC

Bruce Wackowski gave the annual report for the Human Rights Commission. A copy of this report will be kept on file at the Council Office

Councilpresident Ackerman said that Phil Cockerille was here, and now could explain Ordinance 74-20 and asked that it be removed from the table.

Councilman Fix moved that Ordinance 74-20 be removed from the table. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Phil Cockerille, Council Research Assistant, explained the purpose of Ordinance 74-20.

Ordinance 74-20 was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0;

NONE

REPORTS FROM STANDING COMMITTEES

NONE

REPORTS FROM SPECIAL COMMITTEES

NONE

REPORTS FROM CITY OFFICIALS AND DEPARTMENT HEADS

NONE

OTHER NEW BUSINESS

NONE

UNFINISHED AND MISCELLANEOUS BUSINESS

NONE

EXAMINATION OF CLAIMS

Councilpresident Ackerman adjourned the meeting at 12:10 a.m.

ADJOURNMENT

*James S. Ackerman*  
James S. Ackerman, Councilpresident

ATTEST:

Julaine Thomas, secretary