

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

Present: Jack Morrison, Dick Behen Charlotte Zietlow, Wayne Fix, Sherwin Mizell, Flo Davis, Al Towell, and James Ackerman.

Absent: Brian de St. Croix

Chief Goss, Fire Chief; Steve Richardson, Administrative Assistant to the Mayor; Larry Owans, City Attorney; James Regester, Corporate Counsel; Martha Sims, City Controller; Tom Crossman, City Planner; Mr. Wray, Director of Refuse Collection; Bill Wilson, Director of Parks and Recreation.

About 60 other people including the press were present.

NONE

Steve Richardson, Assistant to the Mayor read the following releases as messages from the Mayor.

William J. Gephart is the Director of Research Services for Phi Delta Kappa an international honorary association for educators, with headquarters on North Union.

A native of Uniontown, Pa., Gephart was schooled in Adrian, Michigan. He attended Adrian College before transferring to Wayne State University where he was graduated with a B.S. degree in Education in 1953. He received his Master's of Education from Wayne in 1959, and Doctorate from Ohio State in 1965.

While working on his degrees, Gephart was a teacher and football coach in suburban Detroit schools for five years. He also served as a counselor and assistant principal for three years in a Cleveland, Ohio high school.

In 1961, Gephart served as assistant to the Dean, College of Education at Ohio State. In 1963, he became the Director of Research, School of Education, at the University of Wisconsin - Milwaukee. In 1966, he moved to Bloomington and assumed his present position.

The co-author of six books and more than 40 articles, Gephart also conducts workshops throughout the nation on the nature of the research, evaluation and development processes and procedures for teaching.

REGULAR SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA.

ROLL CALL

CITY OFFICIALS PRESENT

OTHERS PRESENT

MINUTES

MESSAGE FROM THE MAYOR

Although he has been painting watercolors since 1952, Gephart, 45, has devoted an increasing amount of time and energy to the avocation in the past three years. He conducted a one-man display at the Unicorn Gallery locally in 1972 and has sold more than 160 paintings and pen and ink sketches. He also has work in galleries in Florida, Michigan, and Kentucky.

Married to the former Mary Curry, Gephart resides at 3500 Morningside.

A native of Anniston, Alabama, William H. Jairrels is a law student at Indiana University. He received his B.A. degree in Political Science from I.U. in 1973.

Recently, Jairrels was elected vice-president of the Black American Law Students Association. Last year, he received a fellowship from the Council on Legal Education Opportunity and attended summer sessions at Florida State University in Tallahassee.

A recipient of several Founder's Day certificates, Jairrels has also been selected by the Ford Motor Company, through the Professional Practice Program of I.U., as a supervisor in its summer intern program.

A member of Omega Psi Phi fraternity, Jairrels is a former member of I.U.'s residence life staff. His sister, Veda, is also attending I.U., majoring in Political Science.

Jairrels resides in Evermann Apts.

Laura Lee Clark was born on Lincoln's birthday in 1946 in Indianapolis. Three years later, her parents, Mr. and Mrs. Orville Lee Smith, and family moved to Unionville, where they continue to reside.

Shortly after graduation from Unionville High School in 1964, Mrs. Clark began work as a private secretary in the Plant Sciences Dept., of Indiana University.

She is married to Donald Clark, Unionville, who owns and operates Clark's Standard Service Station at Indiana and Third Streets.

Mrs. Clark continued at I.U. - interrupted only by the births of her sons.

In January, 1972, Mrs. Clark started work on a 2 - year degree program in Business Administration, at I.U.

Mr. Richardson then stated the appointments needed approval of the council.

Councilwoman Davis moved that the council give its advise and concent to the Mayor's appointments to the Human Rights Commission. Councilman Towell seconded the motion. The motion carried by a 7-1 voice vote of the council.

Councilman Behen stated that he felt he should vote no due to the fact that most all appointments made to date have been from I.U. personnel. He felt the community had many people to offer for boards and commissions and therefore he would vote no.

Councilman Towell spoke to an article in the November 7, 1974 Herold Telephone regarding the Council's overriding of the Mayors veto of the Utilities Ordinance. He then explained what had happened with than ordinance prior to the council's action. The message in its entirety is attached at the end of these minutes.

Councilman Morrison moved ordinance 74-15 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by a unanimous voice vote of the council.

Grace Johnson, City Clerk, read 74-15 by title only.

Councilman Morrison moved ordinance 74-17 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

Grace Johnson, City Clerk read 74-17 by title only.

Councilpresident stated it appropriated \$11,538.00 into the Park District for construction costs.

Councilman Morrison moved that ordinance 74-95 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion passed by Unanimous voice vote of the council

Grace Johnson, City Clerk, read 74-95 by title only.

Mr. Crossman; This is a parcel of land on 17th street which is the Marathon station and the Avis Rent A Car Service, and some additional property to the rear. It is being rezoned to a business arterial location.

Councilman Morrison moved 74-96 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of council.

MESSAGES FROM COUNCILMEMBERS

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES
Appropriation Ordinance 74-15 - Utilities Budget

74-17 - Park District Construction Fund.

74-95 - Zoning

74-96 - Annexation Between Kinser Pike and State Road #37.

Grace Johnson read 74-96 by title only.

Councilman Morrison moved 74-97 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

74-97 - Annexation Owned by American Fletcher Mort. Co.

Grace Johnson, City Clerk read 74-97 by title only.

Councilman Morrison moved 74-98 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

74-98 - Annexation West Dunn Street, East of Hwy. #37, S. of Hwy. #46 By-pass.

Grace Johnson, City Clerk read 74-98 by title only.

Councilman Morrison moved 74-99 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

74-99 - Annexation Between old and new Hwy. # 37, South of Holiday Inn Motel.

Grace Johnson, City Clerk read 74-99 by title only.

Councilman Morrison moved 74-100 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

74-100 - Annexation N.E. corner of State Hwy #37 and #46 By-pass

Grace Johnson, City Clerk read 74-100 by title only.

Mr. Regester; Then moved to the map and identified the areas to be annexed. He stated these are all non-voluntary annexations.

Councilman Morrison moved ordinance 74-101 be introduced and read by the clerk in its entirety. Councilman Behen seconded the motion. The motion carried by a unanimous voice vote of the council.

74-101 - Traffic

Grace Johnson, City Clerk read 74-101 in its entirety.

Councilman Morrison moved 74-56 be introduced and read by the clerk by title only. Councilwoman Davis seconded the motion. The motion carried by unanimous voice vote of the council.

SCHEDULED BUSINESS
Ordinance 74-56
Emergency Vehicle Lanes

Grace Johnson, City clerk read 74-56 by title only.

Councilman Morrison moved 74-56 be adopted. Councilwoman Davis seconded the motion.

Councilwoman Davis then offered an amendment , under section 18.04,120.10 - Enforcement. It is to read as follows: a) It shall be the joint duty of the officers of the police department and the officers of the fire department to enforce the provisions of this section. b) To aid in the enforcement of this section the Fire Chief shall obtain from each property owner lessee or person in possession of property covered by this ordinance an affidavit granting permission and consent to the towing away of any personal property which is obstructing emergency vehicle lanes. The original affidavits shall be kept on file in the City Attorney's office with duplicates filed in the fire chief's office. Councilman Towell seconded the amendment.

Councilwoman Davis then stated that they had checked this with the corporate counsel and he felt this would put things on more legal and firmer grounds.

Amendment passed by a ROLL CALL VOTE OF AYES 7, NAYS 1. NAY; Behen.

Councilman Mizell then offered another amendment to this ordinance. Councilwoman Zietlow seconded the amendment.

The amendment offered is as follows: In 18.04.120.00 - Parking Adjacent to Buildings --- (, except properly identified vehicles of handicapped or disabled individuals, unless a nearby suitably designated space is available.) This is to be inserted at the end of section a).

Chief Goss spoke to the fact that it would be alright and would not distroy the usefulness of the ordinance.

Councilwoman Davis spoke to the fact that a designated handicapped parking area would probably solve the problem better.

The amendment passed by a ROLL CALL VOTE OF AYES 7; NAYS 1. Nays; Behen.

Councilman Morrison moved ordinance 74-56 be adopted as amended. Councilwoman seconded the motion.

Councilman Morrison stated he felt that with this ordinance we were using our city police to police a private parking lot developed

by shopping center owners, and that he didn't feel the taxpayers should be burdened with this cost.

Councilman Behen stated that he felt it was rather unrealistic to assume that we could overburden our already so done police department by asking it to police these parking areas, of private property. He felt we were relieving the merchants of the burden that is rightfully theirs and placing it on the police.

Councilwoman Davis stated this ordinance would not pertain to any business located on a public street because the fire department could get close enough with the use of the street and therefore there was no need for fire lanes. She then went into where we obtained the ordinance, (Indianapolis) and why they came about getting an ordinance of this kind and how important it is for the safety of the people shopping in these areas.

Councilman Behen stated he disagreed with Councilwoman Davis that those businesses on public streets might not need such an ordinance that because of traffic they often are hard to get to.

Councilwoman Zietlow asked if this ordinance came from the traffic commission.

Councilwoman Davis then stated the history of the ordinance, which started last December with a letter from Mr. Davis to the fire chief quoting the City Fire Code. It then went to the traffic commission and then people wrote to Indianapolis to get a copy of their ordinance. The traffic commission then felt it was not in their realm and asked Mrs. Davis to look further into it.

Chief Goss then talked about the feasibility of the ordinance. He felt it was good and would be able to be enforced.

Councilwoman Zietlow then asked for further explanation as to how this ordinance would be enforced in areas such as Crosstown Shopping Center.

Chief Goss stated that Crosstown was not very hard to get to, that places like the Mall are the most concerned areas where it is so hard to get close to them because of the parking lots etc.

Councilman Behen then stated that he felt perhaps a new ordinance should be written to enforce the area of concern to the people who should be most concerned. Those who entice

people into their business for their profit. And that he did not want to be a part of another ordinance that asked the police department to enforce an ordinance that would be hard and a burden on them to enforce.

Councilwoman Davis then stated that the ordinance also stated that the owner must maintain the traffic control devices. That it is replacing responsibility on the property owners but also assuming some responsibility of the citizens of Bloomington.

Mrs. Baker from the audience spoke in favor of the ordinance.

Councilman Morrison asked if they could pass an ordinance irregardless of the Mall through the Fire Marshall.

Councilwoman Davis said she had checked on this and that the State Fire Marshall only had jurisdiction on areas inside buildings not outside.

Councilwoman Zietlow stated it seemed to her that in section one that a,b,c,d, are mutually exclusive. That one is true if others are and that we have four different things people are suppose to do there. It seems that their not supplimentary sections.

Councilwoman Davis felt the catch in this is, "In such a manner that would obstruct the free passage of fire department vehicles , police emergency rescue or any other vehicles." If you could get through it wouldn't effect it.

Councilwoman Zietlow stated that she felt that if this was passed that it would definitely place a burden on the police department. And that she felt they ought to be prepared to add extra personel for the police and fire force or go into some sort of a pay schedule or something like that.

Councilman Behen spoke about his disapproval because of the burden it would place on the fire dept. when they have to constantly be visiting these areas in order to enforce this. That they will have to develop another inspector position or means of controlling this.

Councilwoman Davis clarified that the fire department would designated the areas involved but that anyone would report it. That the areas would be designated and properly marked so people would know they

were in violation.

Councilman Behen asked that the enforcement be provided through the merchants not the police.

Councilman Fix asked that if they look to the merchants themselves to enforce this how are we going to know it is being enforced? Unless we are going to be checking now and then, or there is the tragedy of a fire. Therefore I don't feel that it will be that much of a problem to check now and then, thus enforcing this.

Mr. O'Brien spoke from the audience about putting the responsibility on the merchants and not on the city. That he felt this had been successfully done in some areas and would work in an overall situation. He felt the merchants in the shopping center could hire one more man to handle this.

Councilwoman Davis then read letters from the merchants supporting this ordinance. She also stated that people had been called during the summer.

Councilman Fix stated he would much rather leave the discretion to the fire chief, if the power is put into this ordinance.

Councilman Towell; Questioned Councilman Fixes previous statement.

Councilman Fix; Then stated again that the fire chief should not have the power to say that a merchant had to enforce the parking within a block of his store, but that he should say here is where fire lanes are needed and we will enforce it.

Councilman Towell; Stated the owners of stores have a legal duty to take care of people on their property and what this would do is a subsidy with helping them with a duty they already have. That the effectiveness of the protection they give would be very uneven if it is the responsibility of each merchant, because they are people that are untrained in that area and may take it upon themselves to inform themselves or may not. So He felt we owe the public to have this kind of ordinance since in our departments we have the trained personell to handle these situations.

Rod Wild; Pointed out that under section a the statement "Cause or permit" Would enable the fire department to site the merchants that are permitting them to park

in fire lanes. This is done with security guards at places like Krogers and works very well.

Mr. Jarvais; Asked if there was anything in the ordinance that held the merchants liable if they did not fine or enforce the fire lanes parking.

Councilwoman Davis; Stated that the ordinance did state that the fire chief would designate a fire lane. That the merchants were directed to maintain and erect the lane signs. That failure to do this shall be unlawful and shall be subject to penalty as provided in section 18.04.111. That is part of the fire code of Bloomington. These penalties would be such as the chief could close down their store.

Councilpresident Ackerman; What does maintain mean? Does it mean keep the lines painted and the signs posted or does it mean enforce it?

Corporate Council; Stated that maintain means all of the above and to enforce it.

Councilman Towell; Stated this is private property and if something happened they would be subject to suit and to a large liability if someone got hurt and help could not get to them.

Councilwoman Zietlow; Asked if this could be amended. Then moved that ordinance 74-56 section 18.04.120 penalties, be amended, section A, to read failure to erect or maintain the emergency vehicle lane signs or lane.

Councilwoman Davis; Seconded the motion. Then stated the municiple code in that section, section 28.16. That this section stated what the store owner should do.

The section on penalties was amended and the amendment passed by a ROLL CALL VOTE OF YAES 8, NAYS 0.

The Arlan Shopping Center Representatives spoke to the problems of fire lanes in their other centers and their support of such an ordinance. Stating that the cooperative effort between city and private owners in ordinances such as this are very good for the problem. They found it more difficult to enforce in communities that do not have such an ordinance. They stated that this type of thing has to be enforced and is simply easier to do with the backing of the city.

Councilwoman Zietlow moved that 74-56 be adopted as amended. Councilwoman Davis seconded the motion.

Councilman Behen asked what kind of action a councilmember might attempt to instigate if in the upcoming months they received no cooperation from the merchants in question?

Councilwoman Zietlow stated that because of the amendments just passed they can be fined and jailed for 30 days if they violate the ordinance.

Ordinance 74-56 passed as amended by a ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman Morrison moved ordinance 74-94 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

Ordinance 74-94
Arlan Shopping Center

Grace Johnson, City Clerk, read 74-94 by title only.

Councilman Morrison moved ordinance 74-94 be adopted. Councilman Behen seconded the motion.

PETITIONS AND COMMUNICATION

After a short recess the meeting then moved into Petitions and Communications

Larry Romstead spoke for the United Farm Workers Support Group from Bloomington. He introduced a packet of material given to the council concerning the organization and its work.

Jim Nugent, United Farm Workers then gave a brief history of the United Farm Workers. He stressed the past ten years of struggle of the UFW's to equal rights and living status. He listed many groups that indorced the working of the UFW. These included Birch Bhye, AFL CIO, and many others.

Larry Romstead briefly outlined the possible resolutions and acts that could be taken in behalf of the UFW. These were; To support the UFW righth to strike and the right to secret ballot elections. Personally boycott all lettuce table grapes and non UFW Wine, Call on all citizens of Bloomington to boycott the above, Sponsor a city wide support committee for the UFW, Join a picket line as support of the UFW union, call on the school boards to move all non union lettuce and table grapes from the public schools. Call on the administration of I.U. to remove such items from the campus, Request merchants to remove such items from shelves or mark them as UFW or NON-UFW, endorse and promote a Farm Workers week or day, say at Thanksgiving or Christmas.

Council president Ackerman stated he would appoint a subcommittee to work with the Mayor and then they would be able to discuss this further.

There being no further Petitions and Communications the meeting now returned to the scheduled business.

Mr. Silverstein, a member of the Bloomington Economic Development Commission read a statement regarding the Development of the proposed shopping center. This statement was in support of the development of the center.

Ordinance 74-94

Mr. Crossman, City planner spoke to say that the plan for the shopping center was approved by a unanimous vote of the planning commission to be presented to the Council, with the recommendation that the maps do be designated for commercial use.

Mr. Bob Ponte - Senior Planner with the Arlan Developers. He spoke briefly about Arlan, stating it is a public and fairly new corporation and is currently the largest shopping center developing company in the country. He stated that they are very concerned with quality as well as quantity. He then moved to the maps to explain them and the plans for the shopping center. He then stated the people and companies they hired to help in the development of the center. Mid South Testing laboratories were hired to determine whether or not the soil conditions on the site were appropriate for the center; Humphries and Associates Archetics were hired to come up with the site plan; Hensley-Schmidt was hired to study the traffic movements around the center, and the Bloomington Engineering was hired to do a foundary study; and they hired Hammer-Syler-George of Washington D.C. to do a retail market study. Of these the soil study was done to tell them that the problems with sink holes was not a serious one and that with another series of borings they could give a complete and satisfactory soil study. He then went through their processes of going before the various boards and commissions with their different studies and plans that then brought them to the present Council Meeting.

-12-

Jerry Humphries, the architect from Chattanooga spoke next about the plan of the center, explaining the location of the stores and other businesses in the center. He explained how it was layed out and why. He also explained how they had planned for future expansion. He then moved to the outer parking and talked about the design and reason for it and for the landscaping surrounding it. He explained how many stores and what size stores would be included in the plan. He then addressed himself to the drainage on the property and their plans to handle this properly.

Mr. Charles Miller of Chattanooga spoke regarding the traffic impact for the center. He stated that because of the openness of the area and the lack of east and west streets in the area they extended their study from the usual area of one mile to that of two miles so they could get a better understanding and therefore a better plan of traffic impact on the center. With the results of this study and additional information supplied to them by the traffic department and the planning department they arrived at their results. They used a level of service criteria to evaluate their areas of study. After doing this they then project traffic to be generated by the mall. In this case they felt it would be between 40 and 50 trips per 1,000 feet of leasable gross retail area in the mall. This generated some 29,000 trips, 14,700 trips in and 14,700 trips out of this center each day. From these studies they could then make the recommendation as to streets, lanes and driveways to handle the traffic of the center. They felt that five driveways would be needed to serve the center. THEY THEN found that about 65% of the traffic for the mall would come from the 37 by-pass. the other traffic would arrive by Curry Pike. This led that Bloomfield road would be handling about 38% of the mall traffic, the thru road would handle about 37% and the Curry Pike intersection would be handling about 14%. He then spoke to the turning into the center and the amount of storage involved with each entrance, thus not tying up traffic on the main roads. He also spoke to the problem of the Grandview School which is located in the area of the center. He stated that they had worked with the school officials and incorporated this information into their study and felt that they had sufficiently dealt with this and would keep it very much in mind with further plans. He stated they wanted to maintain on Blommfield road west-bound, two lanes to the entrance.

Councilman Morrison asked about the Hickory leaf intersection, about the 700 feet storage at that intersection.

73
Mr. Miller explained that this figure was for two 350 foot lanes which would then give you 700 feet of traffic storage at that intersection. And that those lanes were inside the mall off of the rightway. This would keep the backup off of the highway.

Councilman Towell asked if they were saying the capacity of the by-pass was 30,000 vehicles, and what would be the potential of the by-pass use be after the mall went in.

Mr. Miller said the existing dailey traffic use of the by-pass was 13,334, and that after the mall it would be 20,000, with the by-pass capacity at 30,000. This is the day that the mall is in full operation and under normal conditior:s. This would be sometime after opening day of the mall. It does take time for business to reach full capacity operations.

Councilman Towell asked the cost of the mall.

Mr. Miller stated this was in the area of five or six million dollars.

Mr. Ponte spoke to the present taxes of the property as to what would be received after the mall. The difference was that between the 2 to 3 thousand received now and the 330,000 to over 400,000 dollars per year after the mall.

Councilman Mizell asked about the traffic coming in off of the new road proposed to run from the by-pass to Curry Pike. He asked what percentage would come from Curry Pike and what percent would come off of the by-Pass?

Mr. Miller said the road would handle some 38% and 30% of that came off of the by-pass onto the proposed road. Some 7 or 8% off of Curry Pike, and proposed road extension.

Councilwoman Zietlow asked who is going to bear the projected cost of the signal and the extension of the highway.

Mr. Miller stated that he could not answere that at this time.

Councilman Morrison asked about the dollar cost of the highway cost of the construction.

Rick Rector stated that highway 37 did cost approximately \$1,000,000 per mile to construct. But he stated that it was not Bloomington or Monroe County properly that bears the burden of this cost but the individual drivers.

Mr. Maddox spoke to the fact that it is the burden of the developer to see that these road facilities are there or developed before they build. He stated that when doing this, in many cases, the state sees they have neglected these areas and they will go in and do the needed development on their budget. He stated a situation like this in a recent building project. But they will also do this at their expense. This is part of their development and they work with the state and city governments in cooperation with doing this job together to benefit eaches purpose and interests. But that until he gets initial approval for the center he can not go to the state about any of this because they will not listen to them.

Councilwoman Zietlow asked if it was Mr. Miller's recommendation that the development could proceed with Bloomfield road in its existing condition.

Mr. Miller stated that it would not be adequate service in its present condition and the mall plans would not be able to proceed without some work done on it.

Mr. Richardson, Mayors assistant, spoke for the mayors office in favor of the center, stressing that the traffic situation was one of their top concerns with the center and that it seems to be being handled well. That it should be pointed out how many jobs in the community this would open up, and that this would of course be a very definite boost to the community. They would indorse the objectives of the proposal providing the traffic problems are adequately solved.

Councilwoman Zietlow, asked if the market feasibility study had been completed yet.

Mr. Maddox stated the preliminaries had been completed but the study as a whole, which is expected to be some 60+ pages is due in about 10 days. It is required as a guide line for the department stores. It will give them some technical aspects of the business.

Tom Bryan, Labor Union Member spoke for the center, in favor of it stating that this would help speeding traffic in that area. He also felt this would add to the amount of jobs the people in Bloomington would have available. He hopes that the development does come into existence, that it is much needed.

Fred Dunn, Vice President for Economic development, the Chamber of Commerce, read into the record the position of the Chamber of Commerce regarding the center. It was a statement of endorsement and support of the center.

John Lampkins, speaking in behalf of the Bloomington trades unions, addressed their support of the center. He stated they had to drive out of the area to get work and felt this center's construction would create much work for them within this area.

Bob Williams, President of Labor Council, read a statement of endorsement of the center.

Madeline Frahm spoke for citizens of Bloomington, who had gotten up a petition in support of the center. This petition contained some 140+ signatures in support of the center.

Rick Rector, President of the Monroe Advancement Corporation presented a statement of that corporation in support of the center. They stated it will increase job opportunities in the area.

Dr. Bron, Chairman of the Environmental Commission, spoke to the land use involved in the development of the shopping center. Dr. Bron spoke against the development of the center, due to increased traffic on the by-pass and that this would eliminate the proper use of the by-pass as a means to get around the city without fighting traffic.

Jerry Balis spoke to the safety surrounding the shopping center. He stated that it is not safe to walk along Curry Pike. That he was for the expansion of the west side but asked that all safety measures be instigated.

Copies of the above statements are included at the end of these minutes.

Tom Crossman, City Planner responded to Mr. Balis request for safety measures along Curry Pike. He felt with the requirements put before them in the development of this center that the job will have to be done right and that this would include Curry Pike.

Bruce Furr, a resident of the West Side stated he was for the center and felt it was definitely needed in the area.

Carl Zager, west side resident, asked what affect the traffic pattern might have in cutting off those who lived west of Curry Pike?

Tom Crossman stated that with the long range oportunities studied this could probably be answered , but it could not be answered directly now. That there would be additional opportunity for these areas to move into town without having to get involved with the inter-sections around the center. However these things do not exist now and would be coming in future plans.

Jim Kirkwood, asked what would happen to the growth in the areas to the west and northwest of this area. In ten years would the growth along with this center increase the traffic to the point that it would be a mass traffic problem. He also asked how they would afford the sewage system that would have to go in if the growth did increase in that area. He stated that he was in agreement that the area needed a center but was this spot the proper place to have it.

Don Bingham, County Council, spoke in favor of the center stateing that most all of the people he had spoken with were very much in favor of the center.

Ed Tjartas stated that he felt there would be a problem with truck traffic on the by-pass and no one had confronted that in their plans. He felt that this should be seriously considered. He also spoke to the impact of the center to the downtown merchants and the east side. He said there would definitely be impact but he felt the competition would be good, up to a point.

Lester Knoll, west side citizen spoke to the center and the traffic pattern saying it would in some measure correct itself because some of the traffic now is going to the east side that would not be going when the center was constructed.

Rick Rector pointed that the by-pass is a limited access road and the only curb cut in the area on the road is right here where the center is proposed.

Councilwoman Zietlow asked if all of the cuts have been laid out for ever and ever.

Rick Rector said this was granted this way originally, and no more were planned. That there are crossings but should be no more accesses.

Councilman Behen stated he was sure that they were all aware of all of the problems involved in the development of this center and that he views this development as progress and that he sees the problems being successfully solved and that this is well needed on the west side.

Councilwoman Zietlow questioned the market study and would there be a lot of discount stores in the center.

Councilman Fix questioned that this area is one of only two areas that could be used as a drainage area should the underground caverns stop functioning. And that if we develop this area in this way we should make sure the other area is saved for drainage purposes. He also stated that he couldn't vote for two access points on Bloomfield Road. That the strip of road was too short and it would cause traffic problems.

Councilwoman Davis stated that she has a tremendous input in favor of the mall. She stated that this input is from a very wide variety of people and that they were not all from Bloomington proper therefore this would draw in business from surrounding areas.

Gary Crum, Ellettsville shop owner stated that the mall might hurt his business somewhat but that he felt this was a needed addition and that he was all for it.

Councilman Behen stated that he felt that the experts that laid out the two entries into the center probably felt this would solve some of the traffic problems instead of cause them.

Councilwoman Zietlow; moved ordinance 74-94 be amended to read as follows:

Section 2. That the realization of any commercial development on the above-described area be contingent on the provision of adequate traffic facilities at the intersection of Curry Pike and Bloomfield Road, State Highway 48, the Indiana West By-pass (state road 37) and on Curry Pike.

Then the present section 2 should be changed to section 3.

Councilwoman Davis seconded the motion.

Mr. Maddox spoke to the amendment that they would like to have a favorable vote provided adequate facilities are provided. He feels that this is a little difficult to interpret.

Councilman Mizell stated that once approval is given by this council it is the last time they have to act on the development. And that all comments should be incorporated on this approval and that he is in favor of this amendment.

Mr. Crossman stated that the way the amendment read it would put the obligation of improvements on the state and going by what Mr. Maddox stated earlier in the meeting perhaps that obligation could be shared, and that the department and city were not so concerned with who fullfilled the obligations as they were that the obligations were fullfilled and the job done properly.

Councilman Towell asked Arlan men why they go so far out to build centers?

Mr. Maddox stated that no department store wants to accept plans for downtown centers or malls because the traffic pattern is so impossible and the facilities are so limited and the costs are so high. The ones they have proposed are still in the first preliminary stages and have been for three years because the people are not really that interested in them.

Councilman Behen suggested that this might be a good time to suggest that speed reductions signs should be erected at this time and questioned whether or not this could be put in the present amendment.

It was decided that this was not the place to include this.

The amendment passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved 74-94 be adopted as amended. Councilwoman Davis seconded the motion.

Councilman Towell stated his support of the plans.

Councilman Behen also stated his support of the plan pointing out that the citizens seem to be behind it completely, and have shown their support both individually and jointly here at the meeting tonight.

Councilman Mizell expressed his appreciation of the care taken by Arlan and the commissions in developing these plans and that he hopes that we have gone far enough into this to forsee all of the problems.

Mr. Maddox expressed his deep gratitude to the commission. They have had more cooperation from the people of Bloomington in doing these plans. This will put a great burden on them as planners to the best job possible.

Councilman Mizell commented on his gratitude for Mr. Maddox's comments because he felt that the Plann Commission had underservedly been stated as not cooperating and he felt they, as Mr. Maddox stated had done quite a good job.

Ordinance 74-94 was adopted as amended by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved ordinance 74-102 be read and introduced by the clerk by title only. Councilman Behen seconded the motion. Passed by unanimous voice vote of the council. Grace Johnson, City Clerk read 74-102 by title only.

Ordinance 74-102
"Parking Meters"

Councilman Morrison moved ordinance 74-103 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. Passed by unanimous voice vote of the council. Grace Johnson, City Clerk read 74-103 by title only..

74-103 - "Stop Intersection"

Councilman Morrison moved ordinance 74-104 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. Passed by unanimous voice vote of the council. Grace Johnson, City Clerk, read 74-104 by title only.

74-104 - Driving on Sidewalks

Councilman Morrison moved ordinance 74-85 be introduced and read by the clerk by title only. Councilwoman Davis seconded the motion and the motion carried by unanimous voice vote of the council.

74-85 - Taxicabs

There was discussion that this was consideration of a veto of this ordinance by the mayor and it did not need to be so introduced.

Councilman Towell moved that the council vote to override the Mayor's veto. Councilman Towell seconded the motion.

Councilwoman Davis spoke to an incident of charge increase with the cabs after the ordinance was passed at an earlier meeting and for this reason she felt she would not vote to override the veto. It was a 20¢ increase and that we could not afford to support such a business.

The veto message was then read in full.

Then Mr. McNeeley spoke to the charge increase stating that it would depend on the zone to which the passenger went.

Councilwoman Zietlow spoke for the ordinance because we do need adequate taxi service in town but stated she was not sure this was the way to get it.

The motion to override the veto failed by a ROLL CALL VOTE OF 5 to 3.

Mr. McNeeley spoke to the council that the reason there was a misunderstanding was that there was one before, between Jim and Maggie to table it. That Maggie would not table it and therefore it went through without proper support.

After much discussion the council stated they would like to reactivate the council

committee to act on this and they will reappoint to the committee.

Councilman Morrison moved appropriation ordinance 74-16 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by a unanimous voice vote of the council.

Appropriation Ordinance 74-16

Grace Johnson, City Clerk introduced and read 74-16 by title only.

Councilman Morrison moved appropriation ordinance 74-16 be adopted. Councilman Behen seconded the motion.

Councilpresident Ackerman: This includes appropriation for the Fire Department of \$16,206, Motor Vehicle Highway \$12,000 and Park District \$60,557. Is there someone to explain, I know Bill Wilson is here?

Marth Simms, City Controller: May I make one comment, this is the same ordinance we had at the last second reading that was approved at that time. However it was not published in the paper appropriately so must be brought up again for second reading and acted on at this time.

Councilman Behen: Well if we have done it once we must have done it correctly and accurately.

Appropriation Ordinance 74-16 passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved Appropriation ordinance 74-9 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by a unanimous voice vote of the council.

Appropriation Ordinance 74-9

Grace Johnson, City Clerk introduced and read 74-9 by title only.

Councilman Morrison moved 74-9 be adopted. Councilman Behen seconded the motion.

Mr. Crossman: Very simply this is an appropriation from general funds in the amount of the housing study grant that we have from the state. According to state office the fund monies will be coming to the city within the next three weeks to be deposited in the general fund. Its grant money basically.

Councilpresident Ackerman: The Whole thing, all of it?

Mr. Crossman: Yes

Councilpresident Ackerman: Fine

Councilman Morrison moved resolution 74-53 be introduced and read by the clerk. Councilman Towell seconded the motion. The motion carried by unanimous voice vote of the council.

Resolution 74-53
Budget Transfer

Grace Johnson, City Clerk, read 74-53 in its entirety.

Councilman Morrison moved resolution 74-53 be adopted. Councilman Towell seconded the motion.

Councilman Mizell asked why the city attorneys office had to have another set of Burns Statutes.

The answer was not audible from the audience.

Resolution 74-53 passed by a ROLL CALL VOTE OF AYES 7; NAYS 0.

There being no further business the meeting was adjourned at 12:46 A.M.

ADJOURNMENT

James S. Ackerman

Brian C. de St. Croix,
Council President

ATTEST:

Pam Carper

Pam Carper, Secretary

November 7, 1974

Mr. Chairman:

We, of the Bloomington Federation of Labor heartily endorse the proposed Arlen Shopping Center to be located near the intersection of Highway 37 and 45.

We feel this will give our local economy a shot in the arm in the following areas:

New source of jobs for the many factory people who have, and those who will be laid off in the future if the economy is not turned around.

New source of jobs for the construction trades which have many local people working as far away as 100 to 150 miles away from home.

New tax revenues to help operate our local government and schools.

In the area of traffic congestion, we feel our elected Officials are competent enough to work things out to a mutual satisfaction. Perhaps the new development will also help ease the East side situation.

Thank You,

Robert Williams, President
Bloomington Federation Of Labor

RW/ps

November 7, 1974

Mr. Chairman:

My name is John Lampkins and I am speaking in behalf of the Bloomington Building Trades Unions. We want to speak in favor of the new shopping center on Highway 37 & 45 west of Bloomington. Of the 1,000 + construction men and women in this area, 40 to 50% of them are driving to Indianapolis, Terre Haute, Vincennes, Petersburg, Bedford, and Columbus, Indiana to find work. This is due to the National slump in housing and the State cutting off all new construction funds for I. U. for the last 3 years. Industrial and Commercial building locally is also at a 15 year low.

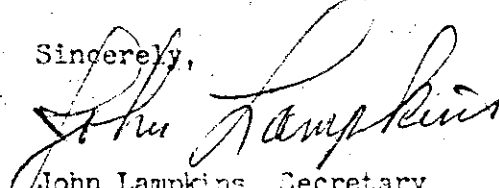
We feel this shopping center will benefit this entire Community by attracting many thousands of new dollars, create many new jobs and add to the local tax base. Of all the construction workers and west side residents, of which I am both, I have not talked to a one who would not like to see a new shopping center on the west side.

We know there will be some problems because of this new shopping center, but we think this Community along with the new property owners can resolve any problems that come up.

I personally have 2 children going to Grandview school and I can see no reason why their safety cannot be maintained, or for that matter improved with better streets and turn lanes in that area.

We, the hard hats in this area support the construction of this new shopping center.

Sincerely,



John Lampkins, Secretary
Bloomington Building Trades

JL/ps

Fred Dunn

November 6, 1974

Mr. James B. Ackerman, President
City of Bloomington Common Council
City Hall
Bloomington, Indiana 47401

Dear Jim: —

The Greater Bloomington Chamber of Commerce, through its Board of Directors, reiterates its policy of encouraging sound economic development to continue to make Bloomington and Monroe County a dynamic center of life.

In line with this policy, the Chamber endorses and supports Totally Planned and Maintained Shopping Center Complexes in and along the new Bypass, State Road 37.

Sincerely yours,

Leo E. Hickman, Sr.
President
GHC/C
LEH/df

NOVEMBER 7, 1974

Councilman Towell suggested that his "Message from Councilmember" be typed in full instead of summarized as in the minutes. The statement reads as follows:

Councilman Towell asked to discuss an observation in that evenings Herald Telephone. I would like to read it in case you didn't read it tonight. The Bloomington City Council decided to override Mayor Frank McCloskey's Veto of the Utilities Ordinance, apparently because Councilmember Al Towell found a lawyer who did not agree with the city legal staff's interpretation of the law, and Towell had the audacity to call the city legal staff's interpretation political. That is like the kettle calling the pot black. This issue should now be taken to the courts to let a neutral party decide which of the legal interpretations is correct. The Council take-over of the operation of a city owned utilities needs to be challenged, it is too important to the future of Bloomington to be dropped at this point. Well, I would like to simply discuss what was involved in that legal opinion. The city administration waited until May of 1973 to present the council an ordinance about a utilities board, even though the referendum was at the same time as the election of this administration. They waited over a year. At that time the relations between the Mayor and the Council were still rather warm and I remember defending the Mayor for this delay and I am going to have to appolizize to Mr. Mizell for that defence. What we discovered in this new legal opinion was that the sentence from the state law, allowing that kind of omission, can not be without foresite and it can not be without the Mayor being informed of this kind of omission and approving it. In other words the state legislature had as a general policy that the body of the city which would have a check on the Utility Board would be the municipal council or the city council. And that intention was thowarted by the way in which this sentence was copied into our ordinance with all of us taking the legal department opinion in good faith. So I am not talking about just another legal opinion, I am talking about the late discovery of something after months of yelling that what we were trying to do was illegal, when we tried to have some regulation over the Utility Board. What we were trying to do was simply to fulfill the intention of the state legislature. Now I take it that that's not a power grab and that is not audacity to do what we are responsible to do to the voters. I would like to mention that at this time the City Council thought it was on good terms with the Mayor. We thought that we would not be deceived in such a manner. This is before any of the so called incidences that have divided the two branches of government as the newspaper has put it. The other branch of government was already trying to cut the legislative branch out of its rightful responsibilities, and we had just not caught up with that intention. I have to say that on the basis of this kind of experience and the announcement of the Mayor that he is going to run again for office, that someone standing for office with the Mayor is going

to have to be very clear of his attitude toward any city council. They are not someone to be worked with, they are someone to be deceived and manipulated that is the lesson of this incidence. I am just pointing out that most of us were innocent of any intentions of taking over. We felt that there were decisions that needed to have a check. That the best representation of the cities interests were not being made. And on investigation of the law we felt that only the city council had the right to make such a check. That still is true, so what we have been trying to do is simply impliment that situation in the state law. So perhaps that could still be described as a power grab, but at least it is one that is beyond us to change.

Madelyn Fookn

I am here to present a petition of people who feel a need for a shopping mall in the west part of Monroe County.

This council has been anxious to annex certain areas in this particular part of Monroe County. I can only hope that they also realize that this area needs the mall! I was only

able to devote two hours and very little gas to secure these ¹⁴⁰⁴ signatures - most within 2 miles radius of my house - but every-

where I went people were very enthusiastic!

The council is worried about the traffic but it would help more.

now going to downtown Bloomington
 and when the Kirkwood Mall is
 completed they won't be shopping
 that area either -- we need
~~this~~ shopping center -- we need
 the ^{own} 1,000 people employment it
 will provide -- we are tired of
 living ^{and working} in a city where all heights
 are on the east part of town!

Wally

I do have ~~one~~ ^{more} comments to make

I would like to direct this to the Allen Kropfer.

If you are able to proceed with this mail, pls
 gear it toward the people of Bloomington - not Collegiate
 Some people get mixed up & think Bloomington is in IU
 that's not true - IU is in Bloomington

Q If they (Arden) pay 400,000 a year
in taxes - surely by the time

you include employer - employee taxes

it wd provide more than enough to

cover the concern of using a highway.

45

PETITION IN SUPPORT OF PROPOSED SHOPPING MALL ON Highway 37 & ~~Q~~

NAME	ADDRESS	AGE
1. Mr Jerry G. McConnel		
2. Paul W. White		
3. Milton Bell		
4. Patricia Seck		
5. Paul Stephenson		
6. Ruth Leveque		
7. Marie Openden		
8. John E. Wiley	RR 14 305 ^A Bloomington	72
9. Becky Wiley	" " "	28
10. Edna J. Wiley	RR 14 Box 304A Bloomington	
11. Buford Blakely	RR 14 Box 262	
12. Sandra Blakely	RR #14 B 362	
13. Robert L. Walters	RR 14 B 239	
14. Bob Walters Jr.	RR #14, B. 237B Bloomingh	
15. Francis Walters	RR 14 B 259 B Bloomingh	
16. Mrs Alfred Smith	RR #14 Airport Rd.	
18. Mr + Mrs Marie D. Kerr		
20. Mr + Mrs Larry L. Hoff		
21. Dick Schub	R. 14	
23. Steve Schub		
24. Mr + Mrs Bonnie M. Slight		
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PETITION IN SUPPORT OF PROPOSED SHOPPING MALL ON Highway 37 &

NAME	ADDRESS	AGE
1. Lala Harmon	R.R. 9. City	61
2. Mack Harmon	R.R. 9. City	63
3. Douglas Harmon	R.R. 9. City	28
4. Ernest Ray Manners	R.R. 9, Bloomington	28
5. Dorothy J. Manners	R.R. 9 Bloomington	26
6. Lois Fohn	RR #9 City	13
7. Jerry Fohn	RR #9 city	14
8. Madelyn Fohn	R9 Box 195A	36
9. Linda Stewart	R #9 Box 195	25
10. Wendell Stewart	R #9 Box 195	27
11. Velma Hamm	RR #9 Box 210A	
12. Max E. Walker	RR #9 Box 200A Bloomington	
13. Filma A. Walker	R.R. #9 Box 200A Bloomington	46
14. James J. Walker	RR #9 Box Bloomington	21
15. Marilyn Hawkins	RR #9 Box 207 Blgtn Ind.	37
16. Ronald J. Hawkins	RR 9 Box 207 Blgtn Ind.	37
17. Mrs. Brenda Sue McDonald	RR #9 Box 206 Blgtn Ind.	
18. Mary J. Keith	Preput	
19. Carolyn Louche	RR #9 FSON Rd.	
20. Betty Carmichael	RR #9 FSON Rd.	16
21. Dan Carmichael	RR 9 Iron Rd.	18
22. Carol Carmichael	RR 9 Iron Rd.	16
23. Jack VanDueren	RR 9 Iron Rd.	34
24. Madonna VanDueren	R 9 Iron Rd.	32
25. Rich McConick	R #9 Bloomington	37

PETITION IN SUPPORT OF PROPOSED SHOPPING MALL ON Highway 37 & ⁴⁵

NAME	ADDRESS	AGE
1. Connie Mays	4111 Vernal Pk.	24
2. Barbara Compton	3752 Fairington Dr.	47
3. Richard E. Compton	3712 Fairington Dr.	49
4. Herman Gillespie	3742 Fairington Dr.	38
5. Becky Thurman	3732 " "	32
6. Charles E. King	3751 " "	54
7. Loretta Martin	3801 Galbraith	24
8. James William	3501 Fairington	29
9. Neal Hartman	3751 Japp Rd.	34
10. Bruce Kruger	3741 Japp Rd.	30
11. Candy Bittler	3801 Japp Rd.	28
12. Vickie Robinson	219 Wayside Dr. SW	23
13. Maeka Brown	910 West 7th	27
14. Aelyne L. Bowden	Rt. 7, Box 320A, Blgtn	31
15. Ronald E. Weber	3614 Longview Dr.	36
16. Barbara Cashion	R. 1, Heltonville, Ind.	31
17. Madelyn Frohn	R 9 Box 195+	36
18. Jan Lindy	R. #1, Box 148	25
19. Jane Burton	3436 Longview	38
20. Karen McHate	723 Anna Lee Lane	39
21. Kathy Solt	523-A Granite Dr.	23
22. Agamma Priest	Rt 9, Box 284A	24
23. Helma Chambers	2711 Kinser Pl.	
24. Judi Kleindienst	800 N. Smith Rd.	22
25. VIVVYAN M. Moses	301 Campus View	30

X3

PETITION IN SUPPORT OF PROPOSED SHOPPING MALL ON Highway 37 & ~~45~~.

NAME	ADDRESS	AGE
1. James R. Fowler	R. 9	64
2. Mrs James P. Fowler	R. 9	64
3. Mr. & Mrs. Calvin D. Southern	R 5	30
4. Ernest O. Lee	RR #14	45
5. Mark C. Cook	RR #14	80
6. Robert R. Stuzer	RR #14	31
7. James B. Waldip	921 W. Bowley	19
8. Dorcas J. Waldip	921 W. Bowley	24
9. Harvey Fowler	RR 9	58
10. Larry Fowler	RR 9	50
11. Butch Kuper	RR 2	24
12. Willis Miller	RR #14	45
13. Dorothea Hall	RR #14	43
14. James M. Patton	6119 Merry Way Lane	62
15. Ellen T. Patton	" " " "	58
16. Gwail E. Garrison	R #14 Box 208	48
17. Mary Lou Garrison	R #14 Box 208	44
18. Mack V. Harris	RR # 9 - Box 142A	47
19. Bernice C. Harris	RR # 9 Box 142A	43
20. John Buskirk	RR # 8	46
21. Floyd Miller	4612 Arlington Rd.	53
22. R. A. Wemy	3825 Bernard Springs Rd	39
23. Dawn Wemy	3825 Bernard Springs Rd	38
24. Helen Miller	4612 Arlington Rd	62
25. Elizabeth McLawen	4612 Arlington Rd	31
26. Harold O. Wease	RR # 9 Box 112	18
27. Eugene Terrell	RR - 9	41
28. Randy Terrell	RR 9	39

9. Leo Carpenter	106 N. Rogers	43
0. Martha Ruth Fowler	R.R. 1 Box 323 S Sobhey, Ind.	30
1. Raymond C. Fowler	R.R. 1 Box 323 S Sobhey, Ind.	31
2. Ronald E. Garrison	R.R. #14 Box 208	21
3. William H. Garner	R.R. #14, Box 344	
4. Ada L. Garner	" " "	
5. Infune Williams	342 S. Jackson	
6. Lara Williams	342 S. Jackson	
7. Bernard Williams	342 S. Jackson	
8. Arnold Sherber	215 S. Slope Dr.	
9. Betty Sherber	" " "	
10. Bill Chastain	R.R. 14 Box 235 Ellet RD.	
11. Mirny Chastain	" " " " " "	
12. Nancy Albertson	R# 9 Box 66 Bloomington	
13. Wm. C. Walt	R.R. #14 Box 187 Ellet RD.	

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PETITION IN SUPPORT OF PROPOSED SHOPPING MALL ON Highway 37 & ~~45~~

NAME	ADDRESS	AGE
1. Sharon Winstead	Evermann Apts E-119	26
2. Harry J. Puzzi	3405 Longwood #9	27
3. Donald J. Winstead	Evermann #119	27
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Statement of the Bloomington Development Commission

November 7, 1974

The Bloomington Development Commission is aware of the plans to develop a shopping center on the west side of Bloomington. Such a development will add to the employment of Bloomington residents, both in the stages of construction and as an operating shopping center. It will add to the tax base and increase the flow of income to the community. Because of the above considerations, the Bloomington Development Commission endorses the development of such a shopping center.

37

Monroe Advancement Corporation statement
Bloomington City Council, Nov. 7, 1974
I.E. West side shopping center

The economy of Bloomington and Monroe County has taken a sharp reversal over the past year and is currently in a period of decline.

Unemployment approaching the seven per cent figure is noticeable evidence of this trend.

Monroe Advancement Corporation is dedicated to working with business and government to increase job opportunities through the expansion of existing firms or attracting new ones.

During its year of existence Monroe Advancement Corporation has found that business and industrial development is a highly competitive field with the number of communities desiring economic expansion far exceeding the number of opportunities.

It behooves ~~us~~^{us}, then, to take advantage of a chance to expand economically as is offered by the development of a shopping center on Bloomington's west side.

We realize that with growth there may be problems, but these aren't problems which can't be solved, and the advantages of hundreds of new jobs for this area and the impact they can have on the people far outweigh any disadvantages.

Monroe Advancement Corporation strongly urges the council to approve the request before it tonight.

\$12mm cost 15 month construction period
\$4.5mm labor to construct - historically 70%
of labor will be local + local material which
creates more jobs. 1025 jobs production
payroll. Real Estate taxes of excess \$5000/year.

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November 7, 1974

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