

In the Council Chambers of the Municipal Building, on Thursday, February 15, 1973, at 7:00 p.m., E.S.T, with Council President Charlotte Zietlow presiding.

REGULAR SESSION  
COMMON COUNCIL  
CITY OF BLOOMINGTON,  
INDIANA

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

ROLL CALL

Tom Crossman, Planning Director; Grace Johnson, City Clerk; Danny Fulton, Director of Redevelopment; James Register, Corporate Counsel; Marvard Clark, Assistant City Engineer; James Wray, Development Coordinator.

CITY OFFICIALS PRESENT

About 20 people including members of the press.

OTHERS PRESENT

Councilman Morrison moved that minutes of the meeting of February 1, 1973, be approved as distributed. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

MINUTES

None.

MESSAGE FROM THE MAYOR

Councilman Morrison moved that Ordinance No. 73-12 be introduced and read by the Clerk. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

73-12 - housing code

Amy Mann, Secretary, read Ordinance No. 73-12.

Councilman Mizell moved that Ordinance No. 73-13 be introduced and read by the Clerk. The motion was seconded by Councilman Morrison.

73-13 - Utility Service Board

Councilman Mizell said that this ordinance is unusual in that it actually originates directly from the electorate. In November of last year, the voters told this council that they wanted to have this ordinance passed which would create a utilities service board as is designated by enabling legislation of the State of Indiana. The ordinance which I propose does just this. As presented it is perfectly legal, however, as with all ordinances it can be amended at the pleasure of the council. If this be the case I suggest that the appropriate council members to form a committee to consider this ordinance are those who serve as our liaison to the Board of Public Works and the planning departments.

The motion was carried by a unanimous voice vote.

Amy Mann read Ordinance No. 73-13.

Council president Zietlow said that because of the nature of this ordinance it has been requested that this ordinance be looked over by the legal department and by members of the administration and members of the council. She said she thought it was a good idea to create a committee for the study of the ordinance - the liaisons to utilities, plan commission and board of public works would create a committee of five. She suggested those councilmen get together with members of the administration and the legal department and return suggested amendments if there are any to the council at the meeting of March 1 or March 15.

Councilman De St. Croix moved that the agenda be revised to permit consideration of the unfinished business and resolutions at this point

AGENDA CHANGE

in the meeting so that the Scheduled Business, second reading or Ordinance No. 73-11, Site Planning Ordinance, would not be considered before the scheduled time of 7:30 p.m. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

Councilman De St. Croix moved that the Council approve Mayor McCloskey's appointments to the Drug Commission of Paul Miller, Eve Berry, Randy Bridges, Dr. David Johnloz, Glenn Thompson. The motion was seconded by Councilman Behen and carried by unanimous voice vote.

UNFINISHED AND MISCELLANEOUS BUSINESS

Drug Commission appointments

Councilman De St. Croix moved that Resolution No. 73-16 be introduced and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

RESOLUTIONS

73-16 - Learning Disabilities Week

Amy Mann read Resolution No. 73-16.

Councilman De St. Croix moved that Resolution No. 73-16 be adopted. Councilman Behen seconded the motion.

Councilpresident Zietlow spoke in favor of the resolution. She said that learning disabilities include problems of perception and neurological problems; approximately 15 to 20 per cent of school children have some degree of learning disability. One of the main problems has been in diagnosing these children; they have been labeled as discipline problems, etc. She said the learning disabilities group has planned an education program for learning disabilities week; there will be a tea Monday, February 19, at the Monroe Public Library from 2 to 4 for people who are interested in finding out more about learning disabilities.

Councilman De St. Croix said that it is especially important that the community support this type of thing particularly since the incoming superintendent of public instruction for Indiana has just indicated that he does not intend to request full funding for special education classes in the state of Indiana, which means that, once again, Indiana may find itself ranking behind its protectorate of Guam, in its services to many groups of people, particularly people who are disadvantaged.

Councilman Behen said that any support that can be given to these children can only be doing good.

The question was called.  
RESOLUTION No. 73-16 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman De St. Croix moved that the Council consider the second item under Ordinances for Second Reading since there were still a few minutes before the Scheduled buisness was to come up. Councilman Ackerman seconded the motion. the motion was carried by a unanimous voice vote.

AGENDA REVISION

Councilman De St. Croix moved that consideration of the \$250,000 appropriation of revenue sharing money for item #73 in the Board of Public Works budget be tabled until the next Council meeting. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

Tabling of appropriation for #73 in the Board of Public Works Budget,

Councilman De St. Croix suggested that the university be requested to sendcopies of the university long-range plans to the city plan department and to set up a system of regular communications be set up between the city and the university planning departments.

The Council then moved to consideration of the scheduled business for the meeting, second reading of Ordinance NO. 73-11.

SCHEDULED BUSINESS

Ordinance NO. 73-11  
site planning  
second reading

Councilman De St. Croix moved that Ordinance NO. 73-11 be advanced to second reading and read by the Clerk by title only.

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

Grace Johnson, City Clerk, read Ordinance NO. 73-11 by title only.

Councilman Towell moved that Ordinance NO. 73-11 be adopted. Councilman Mizell seconded the motion.

Councilman Morrison expressed concern that this ordinance would give the city control over development of some residential lots which would not be able to have city water and sewer because they were not within the city limits. Tim Hodenfield, Aide to the Board of Public Works explained that the city cannot refuse permission for anyone to hook on to the city water system if they are close to a feasible connection but that the policy in reference to sewer hook-ons is that no one is allowed to hook on to the city sewer system unless they are annexed into the City of Bloomington. Mr. Hodenfield said that in cases of extreme hardship where a property owner is required to hook on to the sanitary sewer system for health reasons but is not close enough to the city limits for annexation, the Board of Public Works will permit them to hook on to the city sewer system provided that they will sign a waiver of remonstrance against annexation so that at such time in the future as annexation of that area is feasible from the city's point of view, they will not protest annexation of the property.

Tom Crossmen gave an overview of the various provisions of the ordinance, for the benefit of the audience.

Councilman Towell explained that the site planning ordinance grew out of the Council's consideration of the proposed amendment to the zoning ordinance. Many people had remarked that we needed something between zoning and the building so that we could grant zoning and still have some control; the same sentiment was expressed to me by some developers in discussing the proposed amendment to the zoning ordinance. The developers need the correct zoning in order to get financing and commitments from tenants or whomever they are going to do business with; they thought that they would prefer that the city continue to inspect the kinds of plans they were carrying out to withholding zoning until the plans were approved. I see a logical distinction between permitting a certain kind of development and performance standards and this ordinance is meant to set up performance standards. In fact, there were some performance standards in our zoning ordinance and further ones to be provided in the proposed amendment. A more logical thing would be to have two ordinances separating these two things. It seems to me that there is a kind of consensus among the people who have been talking to me about zoning and planning that this kind of ordinance is needed. Therefore, I went to the planning department and discussed it with them and in two days a draft was introduced and since then there have been other considerations by the plan commission and rethinking in part by the planning department. That is the history of the ordinance.

Councilman Davis moved that the Ordinance NO. 73-11 be amended by inserting the phrase "This ordinance" in place of the phrase "This Chapter (these regulations)" in section 01.01.01 and in place of the phrase "these regulations" in section 01.01.02. Councilman Towell seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Ackerman moved that Ordinance NO. 73-11 be amended by adding a section 01.03.07 to read as follows: "01.03.07 Insure compability with surrounding areas." Councilman Fix seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

There was discussion concerning section 1.04 of the ordinance

and whether the Council or the Plan Commission should have the authority of final approval of site plans as provided in the ordinance. Councilman De St. Croix suggested an amendment which would give the council approval after plan commission action in the event that the plan commission decision was contested. Councilman Mizell said that the plan commission was proposed an amendment to section 09.05 which would permit people to appeal decisions of the commission to the board of zoning appeals. Councilman De St. Croix said that he was concerned that this procedure would make it possible for a building permit to have been issued and construction to be begun before the appeal process could be completed; he proposed an appeal procedure which would go through the city engineer so that, in the absence of any objections, the city engineer would be able to issue the building permit if no objections had been registered with him or to withhold the permit in the event that an appeal was requested. Councilman De St. Croix said that since the ordinance was coming about as a result of the concerns of the Council he thought it was appropriate for the council to review the site plans in the event that there is an appeal. Councilman Mizell expressed concern that at some times of the year any delay for developers can cost them quite a bit of money; he said that if the council feels that this review is necessary that provisions be made so that it can be handled as quickly as possible. It was pointed out that if Council approval of an appeal would involve an ordinance, it would take two council meetings. James Register expressed the opinion that such approval could adequately be handled with a resolution. After extensive discussion of the question, Councilman Towell said that he thought that more research is needed; he said he thought the council should go ahead with the ordinance without changing the question of plan commission vs. council approval and if the council wants to make a change that it be done at another meeting. He said he thought the Council needed to know what the appeal procedure should be, what approval means, etc., and he said he thought that the ordinance should come under state planning laws which would specify procedures to be followed; the council would have to follow these procedures if they want to get authority from the law. Councilman Towell said he would like to see this question researched and made a separate ordinance to amend this ordinance so that it is done correctly. Councilman De St. Croix said that he was willing to work with Councilman Towell on this question and would withdraw his proposed amendment to route appeals through the city engineer.

At 9:00 p.m. the Council took a break in Consideration of Ordinance 73-11 to hear petitions and communications. There were no petitions and communications from the audience at this meeting./

PETITIONS AND COMMUNICATIONS

The council resumed consideration of Ordinance no. 73-11.

Councilman Ackerman moved that Ordinance NO. 73-11 be amended by inserting the phrase "zoned for single family purpose" between the words "record" and "having" in section 01.05.02. Councilman De St. Croix seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0. (The discussion on this point was primarily concerned with clarification of this section; the specific points brought could not be reconstructed due to technical difficulties on that portion of the tape.)

Councilman Mizell moved that Ordinance No. 73-11 be amended by adding, at the end of section 02.09 the following sentence: "Regulations and standards for public streets shall apply to drives." The motion was seconded by Councilman Ackerman.

Tom Crossman spoke to this motion: essentially what we are talking about in many cases of developments of this type are roads that are in essence the same as - they serve the same function as do public streets except that in industrial, apartment complex and commercial developments the roads are built and maintained by the developer and not dedicated to the city, so that we don't get in the position of mandatorily requiring dedication where we may not want the roads, it was felt that we at least needed to establish some standards for two or three possibilities: first of all the standards do help to insure some reasonable traffic circulation and, two, if and when the

city may be asked to take over the street that means we have the streets to the standards we desire.

Clifford Curry asked what happens to an individual building a house who puts in a driveway to the house. He said he was talking about a lot that might be several acres in size or over 15,000 square feet.

Mr. Crossman said that a drive is defined as vehicular access to a development site and it would be possible to interpret a large lot as a development site. In the review procedures, however, we give some justification of modification of plans which the planning commission could consider. I would assume that if we are talking about a single family house with a driveway to it this would without question be a justified reason for a request for a modification of the regulations.

Councilman Mizell noted that section 03.07 permits the plan commission to authorize a variance in the event of undue hardship. He said he thought it was safe to assume the plan commission would not consider it necessary that a private drive to a single family residence be built to the standards of a city street. Council president Zietlow said she thought it should be clearly stated in the audience.

Councilman De St. Croix said he wanted to offer a friendly amendment to the motion under discussion that another sentence be added at the end as follows: "A driveway to a single family residence shall be excluded." Councilmen Mizell and Ackerman accepted the amendment to their motion.

Tom Crossman said that while it may not be necessary for a drive to a single family home to be built to the standards of a street, there may be reason to require sufficient right-of-way standards because frequently we will find that these homes with long drives ultimately utilize their drives for access to several parcels of land and ultimately subdivide their land and use their drives as a roadway. But, generally speaking, vehicular access to a single family house should be excluded.

Councilman De St. Croix said that he thought the wording "a drive to a single family residence" would handle the problem of subsequent subdivision of a large lot. As soon as the lot was divided and several residences built on it, the drive would cease to be serving a single family residence and would therefore cease to come under the exclusion.

The question was called. THE MOTION TO AMEND SECTION 02.09 WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by adding a new section to be numbered 02.12 to read as follows: "02.12 Monument. A concrete marker used to identify the perimeter boundaries of property." Councilman Ackerman seconded the motion.

Council president Zietlow said she was glad to see this included as it was needed for clarification.

The question was called. THE MOTION TO AMEND by adding a new Section 02.12 WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by renumbering the original sections 02.12 through 02.18 to become section 02.13 through 02.19 to accommodate the new section 02.12 defining monument. Councilman De St. Croix seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Fix asked why a definition of service road was not included. Mr. Crossman responded that he thought that in the sections where service road is referenced, the description of their intent and purpose is adequately enough defined so that additional definition was not required. In response to a question from Councilman Fix, Mr. Crossman said "service" was being used as an adjective.

Councilman Morrison asked whether incorporated areas would be excluded from city control in the provision of section 02.17 which specifically refers to "unincorporated" areas outside the city. James Register, Corporate Counsel, said that he was not sure of the definition of incorporated being used and that he would recommend deletion of unincorporated. Tom Crossman said that he thought at present this has no meaning as only unincorporated areas are within the city's jurisdiction.

Mr. Crossman said that at present the city's jurisdiction is the two-mile fringe; the definition was written to include any future redefinition of the city's jurisdiction.

Councilman De St. Croix said that because the word "unincorporated" is clearly superfluous, he moved that Ordinance NO. 73-11 be amended by deleting the word "unincorporated" from Section 02.17. The motion was seconded by Councilman Towell. The question was called. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 5, Nays 4.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by changing the title of section 3.07 from "Variance and Modification" to "Modification" and changing the phrase "authorize a variance. Any variance thus authorized" to read "authorize a modification of plans. Any modification thus authorized". Councilman Ackerman seconded the motion. There was no discussion. The motion was carried BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by changing seventy (70) feet in section 4.02 a) to read "eighty (80) feet". Councilman Ackerman seconded the motion. There was no discussion of this motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

councilman Mizell moved that Ordinance NO. 73-11 be amended by deleting, from Section 5.04, the following phrase: "other than single lots for development as one family residence." Councilman Davis seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

Mr. Curry asked a question relative to the drainage provisions of Section 5.01. He asked what would happen if someone wants to develop some land and finds that the drainage downstream is inadequate-- does that mean the plan commission would have to say "no"? he said that this problem will be faced with the westside of Bloomington which has drainage problems now. Councilman Fix said that maybe the NDP program should be geared toward fixing this situation. Mr. Curry said that would be possible but it could also happen that this would be prohibitively expensive. Councilman De St. Croix said that as he understood the ordinance, it was intended to cover development on a specific lot and section 5.01 would be concerned with the drainage facilities on that property.

Tom Crossman said that the information sought by this section is whether or not the amount of runoff created by a given project is going to significantly increase the runoff that the city system has to take care of. There are means of either ponding or pooling and allowing runoff to proceed at a rate no greater than that which already exists so that if you are not increasing the rate of runoff, granted that the present system is inadequate, I don't think we would have justifiable means of controlling this. But we wouldn't want to allow development which would increase the rate of runoff and pour it into a system that is already inadequate. So we need to look into not only the runoff on the piece of property but what it does to the entire system and if the proposal is to pour more water off the property than the system can take care of then we need to have the developer prepare a system that will reduce his rate of runoff by holding tanks or whatever is necessary at least to not more than what is already running off.

Mr. Crossman said that he thought the intent of this section was to be able to check the entire drainage system downstream. He said he did not think there was anyway they could expect the developer to reduce the runoff over what previously exists. We could expect, however, that it not be any greater than it is at present, so we wouldn't be overtaxing the system any more than it is already.

Councilman Towell said he thought the wording meant that if the storm sewers are inadequate, we would have no more development. He said it was very clear that this is what section 5.01 says, the question is whether this is what the council wants to say.

Councilman Fix said that the question of how much the runoff of a parcel affects the downstream area has to be determined with a sense of reasonableness; the question must be dealt with of how far downstream the effect will be felt. He said he thought this decision had to be left up to the plan commission.

Councilman Behen said that at sixth and Indiana there is already quite a drainage problem and that this section would also apply to any new development in that area.

Councilman Towell said one interpretation of section 5.01 is that the entire city would come under the hardship provision.

Councilman Davis said that one problem is that we do not live in an ideal world in which we could correct previously made mistakes. Councilman Towell said that he thought ultimately we will have to hold to adequate standards and how we would like to see them here even if in some sort of a reasonableness environment we have to ignore them for the present or apply them in degree for the present. We will have to improve the drainage system of the city and we should keep that as a consideration - the only way some of these things will get done is if the people with money and the developers in Bloomington get behind it and one of the ways you do this if there is pressure.

Councilman Ackerman said he did not think this section should be interpreted as being a total freezing of development in these areas with drainage problems. He said he thought the section was saying that attention should be paid to drainage problems downstream and simply asking the developer to make sure that the rate of runoff of the property will not be increased.

Councilman /De St. Croix said that several members of the council have previously stated that the council should not pass resolutions or ordinances that they do not intend to enforce.

Councilman Davis suggested the wording of the section be rewritten to clearly state that the concern is that the drainage problems downstream from a site be considered.

Tom Crossman said that this section was written after the last technical advisory meeting where the TAC expressed a concern not only for the rate of water flow off a specific piece of property onto adjacent property but with the entire drainage system until the water actually got to a free-flowing stream. There may be a number of ways this could be worded to be less objectionable to council.

Councilman Fix asked for an opinion from the legal counsel concerning construction and ownership of sewers. Councilman Fix said he thought that developers were required to put in sewers and then convey them to the city. Councilman Fix said he thought this should continue.

Councilman Davis said the wording should be clarified to convey either of two intended meanings: 1. that there is to be no further development or 2. there is to be no further development until we have adequate storm sewer systems.

Councilman Towell recalled that the former mayor made a motion that there be a moratorium on development in the Jackson Creek area. Councilman Towell said that, whether that motion was justified or not, it is perhaps something that we have to leave as a possibility; at some time we may have to say unless there is adequacy you can't do anymore in an area, to protect everyone.

After much and lengthy discussion, Councilman De St. Croix moved that Ordinance NO. 73-11 be amended by adding, at the end of the introductory sentence to section 5.01 the following phrase: "and shall show the impact of drainage from that site on all downstream drainage facilities," and that section 5.01 b) be changed to read as follows: "b) any natural drainage ways or storm sewers on that site must be adequate for anticipated runoff." Councilman Davis seconded the motion. The question was called. The motion was CARRIED BY A ROLL CALL VOTE OF Ayes 9, Nays 0.

Councilman Ackerman said that he was not entirely happy with part a of section 5.01. Councilman Ackerman moved that Ordinance No. 73-11 be amended by inserting the phrase "amount and rate of" between the words "that" and "water" in section 5.01 a). Councilman Davis seconded the motion.

Mr. Curry pointed out that when a site is developed and blacktopped and a holding pond built with water let out gradually, there will still be more water, though the rate will not be changed. With blacktopping and development, less water is absorbed into the ground.

Councilman Ackerman and Councilman Davis agreed to delete the words "amount and" from the amendment.

The question was called. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Mr. Curry said that he thought there was a conflict between section 5.01 which referred to natural drainage and section 7.04 which refers specifically and only to concrete drainage systems.

Danny Fulton, Director of Redevelopment, suggested that because of the lateness of the hour, the report from the Redevelopment Department be postponed to some future date when a work session could be arranged for presentation to the Council. He said that the press had seen the presentation already. The Council agreed to do this.

The Council took a five-minute break in business at this point.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by adding, at the end of Section 6.01, the following sentence: "In no case shall any landscape feature be permitted in excess of four (4) feet in height in a triangular area twenty-five (25) feet along each of intersecting streets." Councilman De St. Croix seconded the motion. There was no discussion of the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by amending section 6.02 to read as follows:

"6.02 Access. In general access to structures in a development shall be from streets or drives within the development. Direct access to major public thoroughfares shall be prohibited.

- a) A service road shall be provided for all property developed with frontage on any arterial street.
- b) All service roads shall be at least two lanes in width.
- c) All service roads shall be classified as local streets and are intended to provide land access.
- d) Any service road may provide parallel parking lanes in addition to the required traffic lanes. In no case may parking be designed so as to back into traffic lanes.



- e) Access to service roads from arterial streets shall be spaced at intervals of not less than six hundred (600) feet and no such access point shall be closer than six hundred feet (600) to any crossroad intersection with the arterial street
- f) Access to the required service road must be assured for planned future construction of connecting service roads.
- g) The service road or roads required by this section shall be effectively separated from the main roadway by a minimum of ten (10) foot-wide planting strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments."

Councilman Ackerman seconded the motion. Council president Zietlow said that this amendment is in line with recommendations that the Council has come up with during the zoning hearings.

Councilman Davis asked whether there had been research done on the figure of 600 feet. Mr. Crossman said he researched some of the reference materials and these recommendations came out of 2 or 3 highway department reports, some other reports including a rather lengthy report on land use at three-way interchanges. Most traffic engineers feel that spacing of ingress points at 600 feet intervals - about the distance of two city blocks - provides adequate spacing, and does afford the opportunity for adequate control.

The question was called. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Davis asked about the sign provisions in section 6.05. Mr. Crossman said he took this directly from the existing subdivision regulations on the assumption that the street signing system should be uniform throughout.

Councilman Davis noted that in section 6.06 there is no mention of either the traffic engineer or the traffic commission. Mr. Crossman said that this section was also taken from the subdivision regulations.

Councilman Towell said that he thought that Councilman Davis's concern in this matter was justified and he thought that an ordinance amending both this ordinance, if passed, and the subdivision ordinance would be in order, to bring the traffic commission and the traffic engineer into the picture.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by changing "superintendent of parks" in Section 06.07 to read "Director of Parks and Recreation" and by inserting, in that same section, the phrase "right of way" between the words "street" and "shall". Councilman De St. Croix seconded the motion.

Mr. Crossman said that technically, any trees in the street right of way are in the street. Councilman De St. Croix expressed concern about areas where the city might not be using the right of way or where there is no right-of-way beyond the pavement.

The question was called, after some discussion. The motion was CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

In voting, Councilman Fix expressed concern that we not end up with streets without trees along them.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by changing the street dimensions in section 7.01 as follows: Major streets to be forty-eight feet instead of thirty-six feet and dead end streets to be twenty-four feet instead of thirty feet. Councilman De St. Croix seconded the motion. There was no discussion. The motion was CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman De St. Croix asked about the site plan ordinance, particularly section 6.07- he asked whether, in all instances that the site plan ordinance would apply, would the city's right-of-way extend beyond the edge of the roadway. Mr. Crossman said that it would not be guaranteed on existing roads in the older parts of the city.

Councilman De St. Croix suggested that the council reconsider this section of the ordinance to broaden the scope of plantings in older parts of the city that might be redeveloped.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by inserting, in the amended section 06.07, the phrase "or along the street" between the words "way" and "shall". Councilman De St. Croix seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

In response to Mr. Curry's concern about the number of boards and commissions that the developer would have to report to, the council pointed out that the placement of trees has always been the responsibility of the Board of Public Works. Councilman De St. Croix said that he did not think the ordinance was necessarily requiring the developer to appear before the Board of Public Works but was just cross-referencing the question of trees back to the appropriate Board.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by changing the word "subdivision" in section 07.02 to read "proposed development". Councilman De St. Croix seconded the motion.

In response to a question from Councilman De St. Croix, Councilman Mizell said that, in practice, what happens is that the developer has appeared before the Board of Public Works and gotten permission for the hook-on before appearing before the Plan Commission and a memo of approval from the Board is forwarded to the Plan Commission.

In response to a question from Councilman De St. Croix concerning existing developments, Mr. Crossman said that section 7 refers specifically to improvements that are to be made. If the improvements are already there when the plan commission reviews the site plan, the improvements would not be required to be made. New improvements that would have to be made, on the other hand, would have to be accepted by the Board of Public Works. It would also include modifications of existing facilities if there is a change.

In response to a question from Councilman Davis, Councilman Towell said that the creation of a utilities service board would not change these requirements as that board would be the chief administrative board of the city, as the Board of Public Works is now.

Councilman Ackerman asked if this provision would require the city to run a sewer trunk line out to a development even if it were not economical for the city to do this. Mr. Register said that he did not think this would require the city to extend trunk lines. Council president Zietlow said she thought this section was not consistent with the proposed RE zoning which would permit single family residential lots on large lots without connection to sanitary sewers. Mr. Crossman said that he thought the hardship that would be involved here if the hardship provision were used would be economic hardship which the courts don't generally recognize. He said he would prefer that the single family lots without access to sewers be excluded. Councilman Towell said he thought the Council had an obligation to straighten out conflicts in the law.

Councilman Mizell proposed that his amendment be expanded to include addition of the following sentence at the end of Section 7.02: "Single family residential lots without access to a public sanitary sewer are excluded if their sanitary system is approved by the board of health." Councilman De St. Croix accepted the amendment to the motion.

After further discussion, the question was called. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by revising the first paragraph of Section 08.03 to read as follows: "Charges. At the time of filing an application for approval of a plat, the application shall be accompanied by an appropriate fee as determined by the Plan Commission." The motion was seconded by Councilman Ackerman.

Tom Crossman said the plan commission decided to make the fee structure general rather than specifying a fee at this time as they had not had any experience with the ordinance and so did not know what an appropriate fee should be. To specify a fee which would subsequently require ~~xxxxxx~~ revision would mean another ordinance to go before the Council. This eliminates that. He said he thought that at the beginning the fee structure would be patterned after that of the subdivision review but it will take some experience with it to determine if that is appropriate or not.

Mr. Crossman said that the fee is for the review not for approval and is not refunded if the plan is not approved.

Councilman Fix expressed reservations about having a fee at all. He said he couldn't really justify why there should be a fee for this review.

Councilman Ackerman said he thought essentially the developer is being asked to help the city defray the costs of protecting the city against the developer. He said he thought the developer should pay these costs.

The question was called. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 8, Nays 1 (Nay: Fix).

Councilman Morrison expressed concern that city residents are charged one price for property within the city under this ordinance and properties outside the city in the two-mile fringe would be charged another fee which is higher. Councilman De St. Croix said that this is consistent with the overall policy of charging higher rates for city services for non-residents than for residents who pay city taxes.

Councilman Mizell moved that Ordinance NO. 73-11 be amended by changing Section 09.05 to read as follows:

"09.05 Appeal. Any person feeling himself aggrieved at any action of the Commission upon any proposed development plan, may apply in writing to the Board of Zoning Appeals, prior to its regular monthly meeting, for modification of the action complained of, and such application shall be considered by the Board of Zoning Appeals, at such time and in such manner as it may determine.

"Nothing in this section shall be construed to allow any use not otherwise permitted in the district regulations for the zoning district in which a development site is located as provided in the Zoning Ordinance of the City of Bloomington." Councilman De St. Croix seconded the motion.

Councilman De St. Croix said, in reference to Councilman Towell's comments earlier about research needed to determine what is and what is not a viable system for appeals, he did not consider this amendment to be a wise one at this point.

He asked that the motion be withdrawn at this point.

Councilman Mizell said he would be willing to drop the first paragraph but he would like to have the second paragraph added to section 09.05 at this point.

Councilman Davis said he was uneasy about not amending the appeal section at this time because that would leave the ordinance with the appeal back to the plan commission. He said he would be more comfortable amending it as suggested and then making any additional amendments in the future.

Councilman De St. Croix raised questions about having the Board of Zoning Appeals as the review/appeal body.

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Councilman Towell said that his uneasiness about the review procedure did not apply to the Board of Zoning Appeals. He said he was concerned because he did not know of any analogies to what was proposed for Council review of appeals.

Concern was expressed about the delays that might be involved in appeals through various bodies and procedures. The concern seemed to be that the delays be minimized.

After extensive discussion of the pros and cons of various appeal alternatives, Councilman Towell moved that the proposed amendment be amended by changing all references to the "Board of Zoning Appeals" to read "Common Council". Councilman De St. Croix seconded the motion.

THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 7, Nays 2  
(Nay: Mizell, Davis)

The question was called on the amended motion to amend section 09.05. THE MOTION WAS APPROVED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Ackerman moved that Ordinance No. 73-11 be amended by adding a new section 09.06 entitled "Severability", to read as follows:

"09.06 Severability. The declaration of the invalidity of any part of this ordinance shall not impair the validity of any part of the rest of this Ordinance."

The motion was seconded by Councilman Mizell. The motion was CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Mr. Curry raised a question concerning section 7.03 and asked if the water system could be treated in the same way the sewer system is.

Councilman De St. Croix moved that Ordinance NO. 73-11 be amended by adding, at the end of Section 10.03, the following sentence: "Single family residential lots without access to a public water system shall be excluded." Councilman Ackerman seconded the motion. The motion was CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Fix raised the question of exercising control over single family lots sold off one by one in a large tract of land which would then not come under the subdivision regulations. Mr. Curry said that tracts of less than 10 acres come under the subdivision ordinance.

Councilman Towell said that he thought it was important to pass the Site Plan Ordinance, albeit not a perfect ordinance, given the time in which it was prepared.

Mr. Curry raised a question concerning section 07.04 which refers only to concrete drainage ways. He said he could think of instances in which the natural drainage ways would be an asset to the site.

Councilman De St. Croix moved that Ordinance No. 73-11 be amended by inserting, in section 07.04, between the words "the" and "concrete", the phrase: "existing natural drainage ways and the". Councilman Ackerman seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman De St. Croix moved that Ordinance NO. 73-11 be adopted as amended. The motion was seconded by Councilman Ackerman. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 8, Nays 1 (Nay: Morrison)

Councilman Fix said that he thought the costs of administering the site plan ordinance should be borne by the general fund - the general tax levy and everyone in the city which is whom it was done for.

Councilman De St. Croix moved that the Council indicate its request to the Indiana University that it provide the planning department of the city of Bloomington with a complete and up to date description, maps, etc. of its master plan, thoroughfare plan, expansion program; and that in the future, to obviate the kinds of problems this city has had to deal with regarding due to the lack of communication with the university regarding programs such as the closing of seventh street and similar problems on 10th and third that it communicate its future plans to the city plan department and in turn the city plan department hopefully communicate its future plans to the university so that we don't have these problems coming up again. Councilman Ackerman seconded the motion.

THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Mr. Hodenfield introduced to the Council representatives from the St. Regis paper bag company. The representatives demonstrated the paper bag holder mechanisms and explained that the bags are made of a material that gets stronger when wet. They explained that only one standard would be needed for each household as each full bag could be taken off the standard and sealed up.

The representatives explained that different cities used different methods of setting up a paper bag trash collection program. The standards can be bought by the city and distributed free to the residents or they can be sold by the city, at cost to the residents.

They said they would be glad to work with the city in any way necessary in setting up this program.

REPORTS FROM OFFICIAL  
BOARDS AND COMMISSIONS

Board of Public Works  
St. Regis Bag Company

Councilman De St. Croix explained that the rules for the Bus Poster Contest are as follows:

MESSAGES FROM COUNCILMEN

CITY COUNCIL  
RIDE THE BUS POSTER CONTEST

In order to promote the new city bus system and to further community awareness and utilization of the city buses, The Common Council is sponsoring a Ride the Bus Poster Contest. Entries will be broken down into the following categories:

Elementary School

Middle School

High School

College and Non-Student

There will be three prizes awarded for each age category. First prize will be a free one year bus pass. Second prize will be a free 6 month bus pass. Third prize will be a free 3 month bus pass. A bonus award of a free fire truck ride will be given to winners in the elementary and middle school categories.

Rules

1. Anyone living in the City of Bloomington may enter.
2. The poster should encourage people to ride the city bus.
3. All posters must be 22"x28".
4. Posters must be the work of the person entering the poster.
5. Contestants Name, Age, Address, Phone number and if applicable year in school must be on the back of each poster.
6. Only one poster per person may be entered.
7. All posters entered become the property of the City of Bloomington.
8. Posters must be submitted to the City Council Office before 12 noon March 16, 1973.
9. Winners will be announced April 5, 1973 at the City Council Mtg.


Information regarding the City Buses may be obtained at the Council office in the Municipal Building.

Council president Zietlow announced that the Board of Finance would be meeting On Tuesday, February 20, 1973.

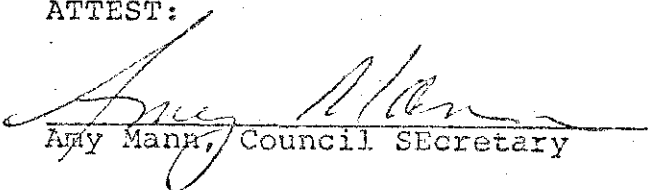
Councilman De St. Croix moved that the meeting be adjourned. Councilman Ackerman seconded the motion. The meeting was adjourned, as the motion was carried by a unanimous voice vote, at 12:00 a.m.

ADJOURNMENT

Addenda: Mr. Hodenfield, in reporting for the Board of Public Works, noted that the Board, working with Stone Belt is planning to start a newspaper recycling program On March 5.

  
Charlotte T. Zietlow  
Council President

ATTEST:

  
Amy Mann, Council Secretary

RESOLUTION NO. 73-16

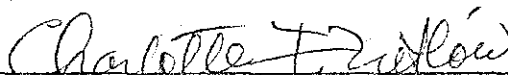
WHEREAS, the week of February 18, 1973, has been officially designated as Learning Disabilities Week in the City of Bloomington and in the State of Indiana; and

WHEREAS, the Indiana Association for Children With Learning Disabilities advances the education and general welfare of children with learning disabilities; and

WHEREAS, these children with the help of the Association for Children With Learning Disabilities will develop into useful and productive citizens in our community; and

WHEREAS, the membership of the Indiana Association for Children With Learning Disabilities is made up of interested parents and professional people,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Bloomington, that the Council give its full support to Learning Disabilities Week, and that all residents of Bloomington and the surrounding community be encouraged to support Learning Disabilities Week and the activities of the Association for Children With Learning Disabilities.

  
Charlotte T. Zietlow  
Council President

  
Mayor Francis X. McCloskey

adopted: February 15, 1973