

In the Council Chambers of the Municipal Building, at 7:00 p.m., on Thursday, June 21, 1973, with Council President Charlotte T. Zietlow, Presiding.

REGULAR SESSION  
COMMON COUNCIL  
CITY OF BLOOMINGTON,  
INDIANA

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

ROLL CALL

Absent: James Ackerman

Frank McCloskey, Mayor; Jim Wray, Interim Redevelopment Director; Bob Workman, Interim Transportation Director; Martha Sims, Controller; James Register, Corporate Counsel; Peggy Take, Deputy City Attorney; Carl Chambers, Chief of Police; Marvard Clark and Don Christy, Assistant City Engineers.

CITY OFFICIALS PRESENT

About 60 people, including members of the press.

OTHERS PRESENT

Councilman Morrison moved that the minutes of the Regular Council Meeting of June 7, 1973, and of the special zoning sessions of January 31, February 8, 13, 22, 26 and 27, March 8, 13, 19, and 26, and April 9, 10, 12, 16, and 24, 1973, be approved as distributed. Councilman De St. Croix seconded the motion.

MINUTES

6/7/73 and minutes of the Council Zoning Sessions

Council president Zietlow noted that though the council zoning sessions were not officially called meetings, there are minutes from those meetings and they should be made a part of the official minutes of the Council.

There were no corrections or additions to the minutes.

The minutes were approved by a unanimous voice vote.

(The minutes of the zoning sessions will be included with these minutes in the council minute book.)

Mayor McCloskey addressed the Council: I would like to commend everyone involved, particularly the common council on the preparation and hopefully the passage tonight of the zoning ordinance. I don't have to tell you about the long hours in public hearings the council put into it; also the plan commission - both present and past members - have worked on it very hard. I think we can't forget the efforts of people who are no longer on the commission - I think, Dan Tarlock. I think it was a very good example of the entire administration - particularly the council, trying to be fair. As you no doubt know, talking to builders, and so on, there are some technical objections, I think it is obvious that any problems can be ironed out over the months, with amendments, depending on the experiences we have and changing conditions. I think one thing the planning department has been talking about and also I think some people on the council have been talking about, I would like to endorse. That would be the idea of say for the rest of the year allowing rezoning petitions to be filed for nothing - waiving the fee. I think if we do this it would have to be done by amendment to the ordinance,

MESSAGE FROM THE MAYOR

ZONING  
ORDINANCE

hopefully this evening. I would heartily recommend that.

Also, another major item on the council agenda tonight, of course, is the noise ordinance. I am sure we will hear an excellent presentation from Walter Bron - he has worked very dilligently on this ordinance, as has Frank Thomas and other persons. After reading the ordinance and talking to Walter, it does appear to be a very reasonable, flaxible, progressive measure - from reading the ordinance and talking to Mr. Bron, I find that it is really less stringent than in other cities such as chicago and other major areas and there is some concern as to whether or not it is stringent enough. I think it probably is starting out. I think one of my main concerns would be if we do pass such an important policy document as this that we do indeed enforce it. It is no good to have it on the books if we don't enforce it. But Mr. Bron seems to think that with help from the IU speech and hearing clinic and perhaps from the School of Public and Environmental Affairs that it would be only a matter of some weeks training before a qualified city employee could adequately administer and take the test necessary to enforce the ordinance. So with that major administrative concern out of my mind I would like to endorse it - I think that experience and further discussion with the council can help decide whether this should be placed in the police department under the heading of an environmental officer or whether we should take it out of the city engineering department but it does appear to be a very progressive, reasonable measure, although I am sure there will be some objections to it. The only noise that has ever bothered me is the motorcycles - I never noticed that Bloomington is a very loud city - but I am sure there are other problems.

## NOISE ORDINANCE

I just returned from the U.S. Conference of Mayors. Although I was not at the conference a year ago, several mayors did remark to me that the spirit there this year was somewhat different - spirits were unmuch more depressed this year than last. I think the primary reason was the general federal funding cutbacks and the better communities development act - basically a revenue sharing proposal is bogged down in the congress. A major concern seems to be that much of the congress would prefer that housing be one of the priority areas in the better communities revenue sharing; the administration did not want it that way but is working for another housing measure - a separate housing measure. Everyone seems to be for it but no one seems to be really together on how to get this thing through. I would also note that it was obvious that as one major official after another presented statements to the assembled mayors that funding is down everywhere and it is going down over the years. I would also note that cities under 50,000 get a less-desirable package under the better communities revenue sharing than cities over 50,000. An unanswered question brought up by several mayors at the conference was the question of whether or not a special census would count to get your city certified as over 50,000 for funding purposes. In effect, there has been no decision made. I think, as an administration we have to look to our Indiana congressmen to help get such

U.S. Conference of Mayors

an act through no matter what the details are; and also to check into the desirability and the advantages or disadvantages this may give us.

One of my main concerns, having been out of town the last ten days is getting all the boards and commissions appointed - there are some openings and I have asked members of the council and others for some recommendations. Tonight I am going to ask your approval for three members of the telecommunications committee - that would at least give us a working body and hopefully by the next meeting of the council we can have the full committee appointed, but I am concerned for administrative and budgeting reasons that this committee does start functioning.

For that reason I am asking for your advice and consent for the appointments of Mark Oring, a local graduate student and businessman, also a Mr. Jack Tracy who has been formally affiliated with Monroe All-channel cablevision and appears to know the business from the inside - he has formerly been associated with the IU Radio and Television department - he seems to know the field very well evidently with no special axes to grind, and I think someone known to Councilman Davis, Jon Walters, he is a part-time pastor at the church of the cross and is very active in a major cable tv experiment for the methodist church. If at some point during this meeting tonight you would consider passing these recommendations I would appreciate it very much.

Telecommunications  
Council Appointments

I would also note that I have been very active trying to get appointments made to the Board of Housing Quality Appeals. There is some problem today with people on vacation and not available and so forth. So I would hope that by the time Tuesday comes around I would have some official recommendation to present unofficially to the council to get your feedback on the desirability of these appointments. Hopefully that board would be meeting soon.

I think we have received some good recommendations, particularly from councilman Towell but we have just not been able to get together yet. But we are working on it. Thank you.

NONE.

INTRODUCTION OF  
GENERAL AND SPECIAL  
ORDINANCES

Councilman De St. Croix moved that Ordinance No. 73-42 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.

ORDINANCES - SECOND  
READING

Grace E. Johnson, City Clerk, read Ordinance No. 73-42 by title only.

73-42 - amending the electrical code of the city of Bloomington

Councilman De St. Croix moved that Ordinance No. 73-42 be adopted. Councilman Towell seconded the motion.

Bill Haynes, a member of the Electrical Board addressed the Council: When the electrical board was reviewing the old regulations, they found some things that they thought should be updated to make the regulations fair to everybody. We feel that anyone doing work of an electrical nature should be licensed.

In response to a question from Councilman Morrison, Mr. Haynes said that an installer, installing electrical equipment, such as an air conditioner, would not be required to be licensed, provided that no wiring of the premises were involved. If the installation required wiring other than connecting to the junction box, a license would be required.

Councilman Towell said that a young man who has done some electrical work on contract for the city was concerned that he might be put out of business by these regulations. Mr. Haynes explained that he could take the examination when it is given in July; he needs to pass the examination in order to obtain the license needed for him to continue in business.

Mr. Haynes: I would say that what we are trying to do is not to get into the matter of the training of these persons; we don't particularly care whether he is an I.V. Tech graduate or belongs to a union, as long as he can come up with the competency required by the examination. We are only concerned with the examination and licensingside of it.

Councilman Morrison: I just hope that this doesn't get as tough as the state has been on the tvmen's association because there is a drastic shortage of really highly trained and qualified television men and I am sure that this may become overly difficult to pass on paper when most men in practical experience could easily do it. I think the electrical board should take into consideration that some people may do well on paper but not in actuality and others may do well in terms of the practical application and not do well on paper.

Mr. Haynes: On the board we have an attorney, an architect, an electrical engineer, and an electrical contractor, in addition to Mr. Istrabadi and a disinterested citizen. If a person is bidding on a \$100,000 or \$150,000 job we would like to know that he knows what he is doing and what his legal responsibilities are.

Mr. Grossnickle, president of the electrical board, addressed the council: there are about 90 out of roughly 140 or 150 electricians in town who are not licensed and I think some of these people would not pass the test if they took it as journeyman electricians and I think it is unnecessary to put this many people - or say, half of these people - out of work simply because they can't pass a test when they could work under somebody who is responsible - like a master electrician or, as the ordinance calls for, an electrical contractor, and make the contractor themselves responsible for the work. A second item in the ordinance is that there is no provision for apprentice and, with that in mind, as soon as this crop of electricians we have now has died off we won't have anymore and we will be in trouble. Those are the two main things - the engineering department and the inspection department are undermanned the way it is and to have to police all the journeyman electricians is just adding work to their load.

Council president Zietlow: Is the inclusion of the wording "two mile fringe" in the ordinance just a matter of... Mr. Grossnickle: I don't think that is a chance from the

Present wording.

Councilman De St. Croix asked temporary licensing should no longer be allowed.

Mr. Grossnickle: I don't know what purpose there is for a temporary license - if somebody gets a contract and they are licensed, they are alright. If somebody from out of town feels they want to come here and work they should come in and get a license. I see no reason ~~to~~ have a temporary license. Examinations are ~~given~~ every quarter.

Councilman De St. Croix - that means that somebody has to anticipate getting a contract in Bloomington at least four months in advance. One of my questions is are we in fact setting up a club provision here to allow a certain select group of people to corner the market, as it were, in Bloomington.

Mr. Grossnickle: No, I don't think so.

Councilman De St. Croix - it could also be that we are ensuring people safety, etc.; I just want to be sure we are not overbalancing in one end for the other.

Mr. Grossnickle: I don't know how to convince you of it or prove it but I think that as long as the board is an honest group of people I don't think this will happen.

Councilman De St. Croix: Who will set the standards for the examination? The board?

Mr. Grossnickle: Yes.

Councilman De St. Croix: What criteria will they use?

Mr. Grossnickle: Well, we have samples from other cities and we have had a lot of input from since the first exam, from the people who took the exam and a lot of criticism. We found out where we've been wrong in the past. We had it pretty technical in the first go-round and we are going to ease off of some of the engineering type questions and dwell more strictly on the code.

In response to a question from Councilman Morrison, Mr. Grossnickle said that an apprentice electrician could work, without a license, under a master electrician who was licensed, in the city of Bloomington; this also applies to a journeyman electrician.

Mr. Grossnickle said what was required was one person - with one license that the city could look to as being responsible for any project; that licensed person can hire anybody he wants to. It is licensing a contractor for each and every project.

Council president Zietlow: This means that there would be local control over the kind of people who do the electrical work in the city and just anybody can't come in and do it. I think that that is an option that we may or may not take.

Mr. Grossnickle: I think it gives you a tool - this license. A man repeatedly does shoddy work, they can bring these violations to the Board; the board makes recommendations as to whether this is something that can't be tolerated and we pull his license. Right now there is nothing to do. About all we can do is say, you shouldn't do that any more. Right now there has to be an electrical contractor on every project; this ordinance does nothing but eliminate the licensing of journeymen electricians.

Councilman De St. Croix: I am still not certain that, with quarterly exams, that we - I perhaps disagree with the idea that we don't need temporary licensing.

Mr. Grossnickle: I think may be I agree with you on that. I see no reason why we can't have standing tests in there that anybody could come in and take whenever they wanted. But, this part of the ordinance we elected not to change.

Councilman De St. Croix: If that is the case, until such time as provision is made for standing testing, I would move that

section 8 be deleted from ordinance No. 73-42. Councilpresident Zietlow suggested that it might be preferable to amend the ordinance rather than make a deletion. She suggested an amendment, retaining the temporary license but requiring holders of temporary licenses to take the examination at the first opportunity that it was given.

Mr. Grossnickle: The Board was against that. What if someone comes in from out of town and gets a temporary license and starts a job. He then takes the test and can't pass it to obtain a license. What do we do then? Give him another temporary license?

Councilman De St. Croix: What you have told us, though, is that you have made an administrative decision that the test be given quarterly.

In response to a question from Councilman Morrison, Mr. Grossnickle said that the previous ordinance provided for the licensing of master and journeymen electricians was changed so that only master electricians would be licensed and the name master electrician changed to electrical contractor.

Councilman De St. Croix: Since it is not clear in the ordinance when the examination is to be given, and I think it should be specified, and since we are already 20 minutes passed the time for scheduled business, I would like to move that further consideration of ordinance No. 73-42 be tabled until later in the meeting and request that the Board come back with a revision that specifies testing procedures regarding people coming into town and having to anticipate contracts four months before contracts are let, so they qualify for licensing by the city. Councilman Morrison seconded the motion.

Councilman De St. Croix said that he was concerned that the testing procedure is not spelled out in the ordinance and was not spelled out in the existing electrical code regulations. He said he was concerned that this would be setting up a false economic situation where we don't have open competitive market in electrical contracting if we exclude people not currently licensed in the city of Bloomington from bidding on electrical contracts in the city of Bloomington unless they anticipate those contracts a quarter of a year in advance of a contract.

Mr. Grossnickle: If I may backtrack here. Here are the minutes of the board meeting of January 4, 1973, and in this meeting, this new board set up this four times a year schedule. So, I still can't say whether it is in the old ordinance or not but if it doesn't say anything in the old ordinance we are at liberty to change it.

Councilman De St. Croix: I would like to see it in the ordinance. I think maybe it ought to be a standing examination; otherwise what we are doing is we are saying that unless he can anticipate a contract a full quarter year in advance they are closed out from bidding on those contracts unless they are licensed here in the city of Bloomington, which essentially says that we have a closed, economic bidding system for electrical contracts which then would seem to me sets up a false economic system in terms of the open competitiveness of electrical contractual bidding here in the city.

The motion to table was CARRIED BY a ROLL CALL VOTE OF AYES 8, Nays 0.

Councilman Mizell: Before we get into the scheduled business for the evening, I would like to thank a number of people who have been involved in working on this zoning ordinance. I am sure that I can't name everyone who has been involved because there have been literally hundreds of people who have worked on this ordinance, stretching over several years. But I do want to recognize certain people who have been extremely helpful. The work, of course, initiates with the planning department and the ordinance was first developed when Mr. Cliff Curry was the city planner, who was helped by Pat Patterson. And now, the most recent revisions were done by the present city planner, Tom Crossman who was helped by Stu Reller and Steve Richardson and many, many hours of typing by Libby Walsh. As the mayor indicated before there have been several plan commissions and several individuals who have been involved from the plan commission point of view. I would like to single out simply the presidents of the plan commissions who have worked on this in the past, Mr. Jay Ellis, Dan Tarlock, and our present president, Mary Alice Gray. Also, members of the present plan commission who have spent literally hundreds of hours working over this in work sessions, as well as public hearings, including Jay Ellis, Dana D'Esopo, Mary Pryor, Clem Blume, Mary Alice Gray, Jim Register, Rasoul Istrabadi, Mary Lou Brown, Bill Morrow and Archie Dees. There have also been any number of groups who have been involved in the three years that this present version of the ordinance has been under consideration. These include the Bloomington Board of Realtors; the league of Women Voters - and most recently their president is Marilyn Mahlberg, and the zoning chairman Helen Hollingsworth; various citizens groups - CONTACT AND CONA, chaired by Al Ruesink; the Monroe County Homebuilders Association whose president is Howard Young; specific thanks go to the citizens advisory groups who have worked for several years at giving advice to the plan commission as to the specific zoning and the zoning maps; and also to any number of neighborhood associations and workers in neighborhood associations who have given us their advice, made comments and participated in the various hearings.

Councilman Mizell then moved second reading: It is certainly a pleasure for me at this time to move that Ordinance No. 73-3 be advanced to second reading and read by the clerk by title only. Councilman Be St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance No. 73-3 by title only.

Council president Zietlow explained that there are only certain things that the council can do to the zoning ordinance at this meeting: 1. change the wording or the emphasis, providing the basic content is not changed - this would require a vote of at least 7 in favor; 2. - the council cannot add anything to the ordinance at this time - that would endanger the validity of the ordinance and adding anything at this point would mean in effect sending the whole thing back to the plan commission for further approval; 3. the council could delete or make a change in the present section or amend the maps by a vote of seven in favor. The council can take no action with a simply majority vote of the council and any major change in the ordinance at this time would

Probably be inadvisable.

Councilman Mizell moved that Ordinance No. 73-3 be adopted. Councilman De St. Croix seconded the motion.

Councilman Mizell then moved that the Council approve the amendments to Ordinance No. 73-3 made by the plan commission. Councilman De St. Croix seconded the motion.

Councilman Mizell presented the plan commission amendments: in section 20.05.40.02, the phrase "or have an unusual topographic problem which makes the area unsuitable for development" was added in the last sentence; in section 20.07.03.00, the phrase "or their agent" was added in the first sentence; in section 20.11.01.02, the phrase "or its agent" was added in the first sentence; in section 20.11.35.03, the word "viewing" was added in the first sentence; section 20.14, table of parking was changed to reduce the parking requirement for bowling alleys, modify the church requirement to cover folding and removable seats, modifying the retail requirements to differentiate between those generating heavier traffic and those generating lighter auto traffic; the plan commission also recommends three map changes - all in map number 7, to map the institutional business zone: 10th and Indiana, 3rd and Jordan, and the area on 10th street known as Crosstown.

Councilman Towell said that he had thought one area being discussed for the institutional business zone was Indiana between Kirkwood and Third Street.

Councilman Mizell said that the plan commission had not considered this area.

Mr. Crossman said that the recommended zoning for that area at this time is general business.

Councilman Mizell said that all of the amendments recommended by the council were approved by the plan commission.

Councilman Towell said that he had thought that the Crosstown shopping center was a good example of neighborhood business and thought it interesting that it had now been designated institutional business.

The motion to adopt the amendments prepared by the plan commission WAS CARRIED BY A ROLL CALL VOTE OF AYES 8, Nays 0.

Councilpresident Zietlow said that there were a number of amendments that she would like to see made on the zoning ordinance in the future. There were a number of things the council, in its exhaustion, let go by: a solution to the density problem; we did not resolve the substitute for RC or someother open ended density; there should be further discussion of the minimum acreage of the PUD - there is one PUD in progress now and I hope we will learn from that some guidelines - maybe we will find out whether or



not these are indeed feasible - as we have been told they aren't - if they aren't fine and if they are, I think that should be open for amendment. I would like to stress that the fact that the sign ordinance was deleted from the zoning ordinance does not mean, as I understand it, that the council is not interested in amending the present sign ordinance. It just meant that we felt at the time that we deleted it that we were not ready to cope with it thoroughly and carefully as it demanded. The environmental commission is working on an amendment to the sign ordinance with the plan department and I presume that in a month or so we will get some recommendations from them. Sometime this summer we will be proceeding with that. I understood it to be the consensus of the council that we should amend the sign ordinance, we were just not up to it at the time.

Councilman De St. Croix: Fifteen meetings were a little too much time.

Councilman Towell: I agree with most of those concerns and in addition I would like to mention that I don't think we solved the problem of zoning to encourage the rebuilding of the older parts of the city, which to me is a very serious problem. There are things that we have not been able to take care of during this spate of hard work. I presume we will continue to consider them. I do believe though that it is time to try to live with this ordinance and see where it takes us.

Councilman Towell moved that Ordinance No. 73-3 be adopted as amended, including all amendments made by the council and the plan commission. Councilman De St. Croix seconded the motion.

Richard Webb, 1923 Maxwell Lane, addressed the Council: As you recall, the last two weeks, I submitted my critique on the noise ordinance and I am reminded that the noise ordinance is on the agenda tonight. But the zoning ordinance - one of the reasons why you zone is to keep noisy parts away from places where you don't want so much noise. In other words, noise is qualitatively or subjectively a part of zoning philosophies and whatnot and I really think it is logical and I really urge you that it is logical to postpone any decision on this zone ordinance until we dispose of the noise ordinance. That is my recommendation that is logical because I have a lot of thoughts I want to convey to the committee in regard to the noise. I would also like to comment on Councilman Towell's statement about rebuilding the inner parts of the city and whatnot. I make this point in my critique of the noise ordinance that one of the reasons that there is no incentive to rebuild in the inner part of the city is that people just can't stand being outside because of the noise and to enjoy being out there to paint and to flower garden and whatnot and to beautify these certain parts of the city.

Councilman Towell: I don't think Mr. Webb knows what he is asking. I think that we have a long history of zoning in Bloomington - I think 1950 was the previous ordinance and then we have been working on this new ordinance which I think incorporates many constructive and progressive features. I think that the idea of a noise ordinance is a rather new thing to Bloomington and that consideration of that more or less takes zoning for granted at this point since we have had zoning for so long and it is such an important philosophy to the way we do business in Bloomington by now. We have tried to improve it and to also see it in perspective as a constructive feature of the way we do business or live in Bloomington and that would be my reasoning in saying that we need to go ahead with the zoning and then consider the noise and perhaps modify the zoning ordinance later if that should occur to us.

Council president Zietlow: I think there have also been considerations in the zoning and in the site planning ordinance

for buffers. I am hoping that they are adequate - we will have to find out, but with the idea that noise was a consideration to be made.

Councilman Mizell: Let me respond further. Any ordinance of this city, as long as it is legally passed by the council and signed by the mayor is a legal ordinance which can be enforced. Now it may well be that a chapter entitled a noise abatement ordinance - or section - should be included in the zoning ordinance. If this be the case, you will note that there are several chapters - chapter numbers reserved in the zoning ordinance and they were reserved for this type of occasion. If there are other ordinances of the city which the administration and the council may deem should be in the zoning ordinance they can be placed in these numbers which are reserved. We purposely left these numbers unassigned.

Mr. Webb: It just seems to me that as long as noise is a consideration in your zoning, it wouldn't hurt to put off your vote until after we discuss the noise. (Mr. Webb was not at a microphone when speaking and did not come through clearly enough to be transcribed.)

Council president Zietlow: I would say that I very carefully read the information provided by both the noise abatement committee and the critique you prepared and I think that I have taken that into consideration. I assume my fellow councilmen have too. We've also taken a lot of other things into consideration. I would urge the passage of the zoning ordinance at this time.

Councilman Fix: I am very anxious to vote on this.

There was no discussion offered from the floor other than that from Mr. Webb.

Ordinance No. 73-3 as amended was adopted by a ROLL CALL VOTE OF AYES 8, Nays 0.

Councilman Morrison explained his vote: personally I am not overly fond of this ordinance but, realizing the city has to have a basis to work from, I am hoping that as time goes on maybe along the way we will all be a little bit smarter, so in that case, I'll give it a "yes".

Councilman De St. Croix: I would like to make one statement, since we were earlier referring to work that remains yet incomplete regarding the zoning ordinance. It has come to council's attention that the U.S. Court of Appeals for the Second Circuit in New York has made a ruling invalidating a law in a New York town that restricted the number of people not related by blood, adoption or marriage that could live in single family residences, which would appear to me that the plan commission should take a very serious look at section 20.04.01.23 which defines dwelling, detached, single household, and places a number restriction on the number of non-related adults that can live together. I think there may be some question as to the constitutionality of this section in light of the recent ruling. I would also like to thank Mrs. Johnson and Mrs. Mann for the many hours that they shared with the council in going through and having the hearings on this ordinance.

Council president Zietlow: We have resolutions 73-3, 73-4, 73-5 which were to be considered with the zoning ordinance. I am not sure that it is necessary for us to pass them at this time but we did want to bring them up because they were still on the books. We can simply table them indefinitely if that seems appropriate.

Councilman Towell: I would like to do that. I think we

specifically disagreed with one of the resolutions.

Council president Zietlow: and we have effectively changed the maps so that resolution 73-3 no longer has anything to do with it.

Councilman De St. Croix moved that Resolutions 73-3, 73-4, and 73-5 be tabled indefinitely. Councilman Towell seconded the motion.

RESOLUTIONS - zoning  
73-3  
73-4  
73-5

Mary Alice Gray, president of the plan commission, said that she was just concerned that these resolutions NOT be enacted.

Councilman Towell said that, according to the parliamentary rules of the council, tabling indefinitely would be the way to do this.

THE TABLING MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman De St. Croix moved that Ordinance No. 73-43 be advanced to second reading and read by the clerk by title only. Councilman Morrison seconded the motion.

ORDINANCES - SECOND READING

The motion was carried by a unanimous voice. No. 73-43 - amending chapter 15.64 of the municipal code - bus stops and camper parking

Grace E. Johnson read Ordinance No. 73-43 by title only.

Councilman De St. Croix moved that Ordinance No. 73-43 be adopted. Councilman Morrison seconded the motion.

Councilman Davis moved that Ordinance No. 73-43 be amended by deleting the words "or driveway" from section 3. Councilman De ST. Croix seconded the motion.

Councilman Davis: This amendment has to do with where we allow a camper to park within fifty feet and I clarified with the traffic commission and intersection or alley was intended but a private drive was not. This refers to parking longer than two hours.

The motion to amend was carried by a ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman Morrison moved that Ordinance No. 73-43 as amended be adopted. Councilman De St. Croix seconded the motion.

ORDINANCE No. 73-43 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman De St. Croix moved that the agenda be amended by placing ordinance No. 73-45 right after petitions and communications, to give people a specific time that the ordinance will be considered. Councilman Towell seconded the motion.

AGENDA CHANGE

The motion was carried by a unanimous voice vote.

(The council took a five minute brake)

Councilman De St. Croix moved that Ordinance No. 73-44 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.

Ordinance No. 73-44  
salary ordinance -  
transportation  
department

Grace E. Johnson, City Clerk, read Ordinance No. 73-44 by title only.

Councilman De St. Croix moved that Ordinance No. 73-44 be adopted. Councilman Morrison seconded the motion.

Council president Zietlow explained that this is a salary ordinance for a general transportation manager and for secretarial help for the transportation department for the bus system.

This is an authorization to pay money that has already been appropriated.

In response to a question from Councilman Towell, Mrs. Sims, Controller, said that the employees concerned have been doing the work but have not been getting paid for it.

ORDINANCE NO. 73-44 WAS ADOPTED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

Councilman De St. Croix moved that Appropriations Ordinance No. 73-5 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.

Appropriations  
Ordinance No. 73-5  
road and street funds

Grace E. Johnson, City Clerk, read Appropriations Ordinance No. 73-5 by title only.

Councilman De St. Croix moved that Appropriations Ordinance No. 73-5 be adopted. Councilman Morrison seconded the motion.

Council president Zietlow explained that this is an ordinance appropriating money for 17th street and Kinser pike projects.

Mrs. Sims explained that the original appropriations for these projects were based on estimates of the costs of the projects. Now that the exact costs are known, the appropriations need to be increased for the projects.

Councilman Davis pointed out that these are gasoline tax funds.

APPROPRIATIONS ORDINANCE NO. 73-5 WAS ADOPTED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

PETITIONS AND  
COMMUNICATIONS

At 9:00 p.m. the council entertained petitions and communications from the audience.

Emily M. Wade read the following statement to the Council: I am chairwoman of the task force on day care of the local chapter of the National Organization for Women and a member of Day Care and Child Development Council of America, Inc. The Councilmembers have all been given David B. Edie's "Proposal for The Expansion of the Christian Center Day Care Nursery Program." According to the 1970 U.S. Census 2,111 of the working mothers in Monroe County have children under six years of age. Presnet available spaces are insufficient to meet the daycare needs of the county. With run-away inflation, the high food costs, the highest rents in thestate of Indiana, coupled with deficit spending on various defense contracts by the Federal government, it is often essential for both parents to work outside of the home. This is particularly true of low income parents, who even when both are employed outside the home cannot afford adequate and quality day-care for their children. Research evidence has validated the fact that most of the human mind and personality are formed by the age of five. Adequate care and appropriate stimulation which are presented to children by a developmental program such as the one offered at the Christian Center affects, favorably, the personality development of the child and later life style. Childcare programs could ultimately cost the nation \$20 billion a year; in 1972 overruns on defense contracts cost the American taxpayer \$29 billion. The federal government has placed the American people in the position of having to turn to local government for help in meeting some of their basic needs. I would like to submit a proposal to the City Council that a way be devised for the city to fund in the amount of \$70,000.00 from revenue sharing funds, the expansion of the Christian Center Day Care Nursery Program. Thank you."

Emily M. Wade - Christian  
Center Day Care Nursery  
Program

Councilpresident Zietlow: Having worked on the manpower task force and the support services committee I just found that the need for day care is indeed very, very great in this city and I do hope that when revenue sharing is apportioned that we will have money for day care - either this proposal or some other proposal. And I certainly will personally defend that position and work for that position. Thank you.

There were no other petitions or communications.

Councilman De St. Croix moved that Ordinance No. 73-45 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.

Ordinance No. 73-45

Noise regulations

Grace E. Johnson, City Clerk, read Ordinance No. 73-45 by title only.

Councilman De St. Croix moved that Ordinance No. 73-45 be adopted. Councilman Morrison seconded the motion.

Councilpresident Zietlow: I would like to set a few ground rules concerning discussion of this ordinance. First, we will have a report from the noise abatement committee of the environmental commission. Then we will have general discussion of the ordinance. I would like to limit debate - first of all pros - one pro, one con, at two minutes per person until everyone has spoken - then people may speak again. I think that in this way perhaps we will have a more regular progression through the discussion.

Walter Bron, out-going chairman of the Noise Abatement Committee of the Environmental Commission, and Frank Thomas, in-coming Chairman of the Noise Abatement Committee, gave a presentation to the council of historical and background information on the ordinance and some scientific information pertinent to noise levels and measurement of same. (This presentation included slides of charts, some of which are included in a report prepared by the Noise Abatement Committee of the Environmental Commission. The tape of this presentation will be preserved in the council office for a year.)

Frank Thomas presented the following amendments recommended by the Environmental Commission - the recommendations deal primarily with clarification of language:

Recommended Changes to Ordinance No. 73-45

An Ordinance Controlling Noise in the City of Bloomington

Section 14.09.030 Sound pressure level or noise measurements.

- f. Measurement of motor vehicles shall be taken at least fifty (50) feet from the center line of travel of the source in areas other than residential. If the noise projects into private residential property, residential property as defined in Section 14.09.020 (i), then measurement shall be taken at the nearest property line to the source in accordance with Section 14.09.30 (c). Measurement for purposes of investigating a complaint made by a citizen on any public street shall be taken at least twenty feet from the center line of travel of the source.

Section 14.09.080 Other Noises Prohibited -- Standard for Unnecessary Noise.

2. Any noise of a continuous or intermittent nature which persists for a period of fifteen (15) minutes and can be heard by any person outside the immediate premises from the location of the emitter and is caused by the using, operating or permitting to be played, use or operation of any radio, television, tape or record player, amplifier, musical instrument or other machine or device used for the production, reproduction or emission of sound, or any prolonged sounds by people, or by any animal or bird so as to disturb the public peace quiet and comfort of the neighboring inhabitants.
- b. Any person making a complaint under this Section shall be required to give said person's name to the enforcement officer upon requesting an investigation. Said person shall also be required to sign a complaint after an investigation is made and before any further action under Section 14.09.080 is taken otherwise no further action will be undertaken.

Section 14.09.060 Exemptions.

- h. All noises resulting from normal operations of railroad trains are exempt. Provided, however, that excessive use of railroad train signaling devices shall be considered violations of this Chapter.

Section 14.09.020 Definitions.

- f. "Non-stationary source" shall mean a machine or device capable of being moved from place to place for occasional or temporary use at a given location including, but not limited to, motor vehicles, pile drivers and bulldozers.
- g. "Fixed source" shall mean a machine or device capable of creating a noise level at the property upon which it is regularly located, or upon which it is regularly used, which projects into another property; this includes but is not limited to industrial and commercial process machinery and equipment, pumps, fans, air-conditioning apparatus, refrigeration machines, powered lawn mowers, and chain saws.

Councilman De St. Croix: With all due respect to Mr. Thomas and Mr. Bron, I am not a scientist, and we are being asked to consider here a range of amendments covering railroad signals and animals. I would particularly like it if we could get down to things that I think I would understand and things that people here in the audience would understand, like what impact this ordinance has on my car - and on other people's cars and people's motorcycles, air conditioners, lawn mowers - are we in fact talking about an ordinance that is going to require people to either have to get new equipment or machinery or modify that equipment or machinery. I don't know. Let's talk about it in just plain, simple, straight forward terms - you know, these vehicles here are going to be affected - these vehicles here are not going to be affected - these machines are going to be affected; these machines are not going to be affected.

Councilman Towell: I would like to ask that the force of the amendments be explained.

Mr. Thomas: - The force of the amendments is to make it better legally and better grammar. I am not a grammarian and I was simply the primary drafter of the ordinance - there were a lot of questions about it, as I mentioned earlier. The force of these amendments would not be to change the ordinance radically or drastically or in any form at all - it would be to simply make it clearer for people to have better notice as to what is being controlled or regulated in the city, in terms of noise. Then in the definition section to meet the problems to handle lawn mowers and chain saws. But it is not making any major changes at all in the ordinance.

In response to Councilman De St. Croix's earlier question Mr. Thomas said: As far as motor vehicles are concerned, there are some motor vehicles which may in fact not pass under the standards set up in this ordinance. These motor vehicles we hope - and we think our studies bear this out - are very few compared to the total number of motor vehicles in the city. Specifically, most of the motorcycles we checked will pass under this ordinance. Also a greater number of automobiles will pass under this ordinance - that includes Volkswagens, too. Some people have a particular thing about Volkswagens. But the average passenger car will pass unless it is specifically modified or something like that. We have done some minor checking of the city buses and preliminary indications are that under the standards set up, the city buses pass, surprisingly enough. Everyone thinks the buses are noisier than they really are - it is a different type of noise; but the measurement we took showed that it passed. The particular city bus we checked did pass. As far as lawn mowers are concerned, there is a great problem with lawn mowers - one of the greatest problems that the committee recognized early is that many lawn mowers are simply not kept up. They come equipped with mufflers or other sound abating devices and they are simply allowed to deteriorate. These mufflers can be replaced for a very minor charge at stores. Chain saws - we are just not aware of there being any way to muffle a chain saw - some people say an electric chain saw. City equipment generally - some city equipment is just made noisy and some of it is definitely not going to pass - tree trimming machines or whatever.

Council president Zietlow noted that there is the exemption permit clause.

Councilman De St. Croix: I wonder if perhaps we could be equipped with information that is more specific about what will not meet the standards set out in this ordinance. I think the concern that many people here have - that I have - is that if we do pass this ordinance what are we, in effect, banning from Bloomington because it doesn't meet noise standards according to this ordinance.

Mr. Bron: I think this is the point at which we should show some results from our own surveys which gives you results from a large number of inputs of all these kinds. And also with numbers. And I also think we ought to spend one moment on our measuring technique which from past experience that we have had in public hearings with respect to this ordinance is a point of confusion - it depends on how you measure things also. (Mr. Bron then showed more slides of survey results and of measuring techniques.)

The discussion was opened to the audience.

Someone in the audience raised the question of new equipment that might be purchased and not meet the requirements of the ordinance.

In response to this question, Mr. Thomas said that the committee had considered this and prepared a possible amendment to allow an exception for recently purchased equipment not meeting the standards if the Council wished to so amend the ordinance.

Council president Zietlow noted that the Councilmembers had been presented with this possible amendment.

Mr. Thomas read the proposed amendment:

"14.09.060 (j) Air conditioners, lawn mowers and motor vehicles purchased before September, 1974, shall be exempted from the provisions of this Ordinance only when there is no reasonable way to baffle, muffle or reduce sound emissions to comply with the provisions of this ordinance."

Mr. Thomas: I would like to point out that it says "when there is no reasonable way to baffle, muffle or reduce sound emissions". We felt that if, without ruining the value of the equipment, you could reasonably baffle it so that you wouldn't ruin the value of someone's living experience, then it should be at least baffled or muffled or reduced.

Council president Zietlow: I remember reading in your minutes that you were not sure about checking the noise levels of equipment before it is purchased - whether we could prohibit purchasing things that are too loud it would be ineffective - if not illegal with interstate commerce laws.

Mr. Thomas: we did discuss that and I recommended to the committee that we couldn't legislate against purchase - at the purchase level, because I felt that it was not within our power and I could not recommend it to the committee. So that is one reason we don't have a purchase clause in here.

Mr. Bron: first, with respect to the exemption clause, I might point out that actually it does not have the committee's endorsement - we will support the council if it passes and amends the ordinance accordingly but we feel the exemption for lawn mowers and motor vehicles as specified there does not have our endorsement. Now, with respect to the purchase aspect - the sale - actually it first of all would be foolhardy for Bloomington to restrict sale within its boundaries because it is clear that all that would be required is for the person to go outside of Bloomington and buy the same piece of equipment. It is not very realistic to prohibit sale. Secondly, it is probably illegal, and unconstitutional if it involves an item which goes across state boundaries - it would be an interference with interstate trade. And finally Congress has empowered EPA to set such standards and so, again, it would be outside of our jurisdiction. We are restricting use not sale.



Councilman Davis: My concern is in 14.09.070 section (b). I am still concerned about the rental of noise making equipment. I have had to do that and it is not clear that that can be done.

Mr. Thomas: It was my intention, as principal drafter, that the person who owns the equipment - which means that the rent-all stores which actually rent it out to people - would be responsible for making sure that this equipment met the standards of enforcement. Not the person who actually uses it on a rental basis because many times they won't have the means or the equipment to, nor the inclination nor the time to make sure that this equipment meets the standards of the ordinance.

Councilman Davis: Then that would mean that if they had a piece of equipment that did not pass - that required a permit, they could not renew it?

Mr. Thomas: They could renew it within the provisions of the ordinance; they could renew it no longer than four consecutive weeks.

Councilman Davis: But, for a rental unit that would not make sense. In other words, I am not going to use it for four weeks but I may rent it now and another person might rent it five weeks from now or a week from now.

Mr. Thomas: That is true. The only way that I could see that that could be handled would be that the permit is actually given to the rental store - not to the person who rents it and you give a permit for the time that you actually are going to use it. It may run into some problems, that is true, unless there is some reasonable way to reduce the sound emissions of the device.

Councilman Davis: There are certain devices like for instance a chain saw or, as I had to rent, a rotary hammer, that no matter how good a condition it is in, it will not meet the conditions of this ordinance.

Mr. Bron: But these things are not going to be used in the same place by the same person for a period of four weeks.

Councilman Davis: This ordinance does not provide for the rental of equipment from a store that rents to me and then to someone else not for four weeks.

Mr. Bron: That is true, there would be a limit to the amount of time that the rental place would be able to rent that piece of equipment.

Councilpresident Zietlow: There is no provision here for anyone to rent anything that does not meet the noise level standards of the ordinance.

Mr. Thomas: The four consecutive weeks limit does create a problem and I think that is where your concern is - a permit can be granted as the ordinance is presently drafted but it can only be drafted for four weeks.

Councilman Davis: I am saying that is a special situation but one which I have encountered. I will work out an amendment to recommend.

Councilman Towell : I was wondering about the section which you are suggesting be amended, which is 14.09.080 subsection 2 - how would you say that that would be applied to someone giving a party in one of our neighborhoods? As I understand it, the clauses that pertain here are "can be heard by any person outside the immediate premises" - talking about a record player perhaps, and "so as to disturb the public peace, quiet and comfort of the neighboring inhabitants" - now, is that a subjective matter or is it something that can be determined by some enforcing officer in an objective way or just what is meant here - when do you have a violation?

Mr. Webb, 1923 Maxwell lane asked at this point if the audience

would be allowed to participate in the discussion. Councilpresident Zietlow said that after the councilmembers had had a chance to ask questions about the ordinance, there would be discussion from the floor.

Councilman De St. Croix pointed out to Mr. Webb that everyone in the room who wished to speak would have a chance to do so and that the councilmembers do have a constitutional responsibility to make a decision and this is the process used by the council to get answers to questions they have from the people who drafted the ordinance. We will also probably be asking questions of people who give testimony to the council.

Mr. Bron: I would like to respond to Councilman Towell's question in a general way. These sort of extraordinary sounds and noises of this sort are, of course, subjective measurements - subjective responses. They are very difficult to define properly and to measure properly - to get into a legal court properly. Therefore the procedure normally used and the one we suggest is to put detriments on both the complaintant and the enforcement procedure - on both sides. If you read on that part of the ordinance, it specifies that complaints of this kind must be given in person and written, and so on. That sort of puts a constraint on the person who feels constrained in some way to not be excessively subjective. At the other end, there are of course measurements that an enforcement officer could make - at a property line of the complainant of the noise source if they get there in time. That is roughly how we would work it.

Councilman Towell: I find it extraordinary that you would use the complaint procedure as a kind of inhibiting factor on the enforcement - any legitimate complaint. That is number one; if it is a legitimate complaint we ought to make it easy and convenient for people to complain. So I think that to use this particular factor to inhibit complaints in some way is objectionable. Secondly, I really was interested more in the standards involved here. "Can be heard by any person outside the immediate premises" - that is fairly low - there area lot of sounds that can be heard outside the immediate premises.

Councilpresident Zietlow: There is a modifying clause farther down: "So as to disturb the public peace quiet and comfort".

Councilman Towell: Yes, that is where the subjectivity may come in - that is why I asked the question.

Mr. Thomas: With all sections like this in any ordinance, what I call disturbing the peace sections, they are a real problem in getting to these. For the most part they really are subjective; what we try and do is try and watch the rights of persons on both sides so that this particular section part two is broken down into several parts - at least the way I look at it. There is a fifteenminute period in there of time that this thing has to go on. And speaking specifically of a party, going on in someone's house a party is going to be loud...

Councilman Towell: Notnecessarily loud, you notice, just "can be heard off the premises"...

Mr. Thomas: Yes, but if you go back to part a, that may be excessive, prolonged, unusual, whatever, ...

Councilman Towell: But you have made an enumeration here - we are not dealing with the general criteria of this section because you have made an enumeration and declared certain things to be, I suppose, excessive, unnatural, prolonged, unusual - you're not dealing with that generalization are you? You are just - cause you are declaring certain things to be of that sort.

Mr. Thomas: You are right, in this section we are declaring that any noise which can be heard outside the premises for fifteen minutes.....

Councilman Towell: such as record players, which I suppose are

unnatural because they are electronic - well, what I am asking is, do you have anything left here but something that somebody complains about that can be heard off the premises? And, if that is so, then I think....

Councilwoman Zietlow: May I ask a question? If I - maybe I misunderstand the wording but I thought that the "so as to disturb the public peace, quiet and comfort of the neighboring inhabitants" was a clause that went with "can be heard by any person outside the immediate premises"? Is that incorrect?

Mr. Thomas: That is the intent, yes. As you say, it is a subjective part.

Councilman Towell: But, what I ask is what will be the standard? What will the enforcing officer have that he can use to judge?

Mr. Thomas: You can't make any standards for something that is not measurable. And that is part of the problem with it. But we recognize the fact that some people may have a problem with these kinds of sound emission and how do you deal with it? The current city code attempts to deal with it - with something that has problems already with it, so that we felt that this would be better to deal with those particular kinds of sound emissions.

Councilpresident Zietlow: The measurements of 80 and 80 dB(A) would not apply here. And I thought one of the reasons for this ordinance was the greater specificity of this ordinance - was to avoid that kind of arbitrary distinction. I gather the present ordinance is not enforceable. Can we get away from that in this new ordinance?

Mr. Thomas: I had hoped that this is what we would do - that it would get away from that. but it doesn't do that all the way through.

Councilman De St. Croix: Explain to me why noises emitted by a radio or tape deck or whatnot can't be measured when - now, I may be wrong here, I believe IU installed a sound level measuring device in Dunn Meadow so that when electrically amplified music is played it reduces the current when it reaches a certain noise level.

Mr. Bron: We are getting two things confused - they can be measured, but this clause gives a right of complaint to almost anybody and I think that what Councilman Towell is complaining about is that that is subjective. Anybody - some people complain at a whisper coming from another house; that is true but, of course those things will not be as restrictable as something that is easily measurable and above our standards.

Councilman Towell: I would just like to say that I think this section is very different from the rest of the ordinance and that I am bringing up objections about this section alone without meaning to impugn the rest of it.

Mr. Thomas: I understand that and I am trying to deal with that. As you say, the other part of the ordinance is objective and this is the subjective part that attempts to replace the subjective part of the current code. And, in trying to set up what we thought were some reasonable standards of 15 minutes and something that was going to disturb the public peace and quiet and heard outside someone's premises.

Councilman Fix: I still haven't determined why this is subjective - why should it be?

Mr. Thomas: If someone is simply having a party, as an example, the noise coming out of a party may be measurable but it may not actually be a violation of the ordinance but it may be at such a time that it really is bothering the people in the neighborhood so that they can't sleep or whatever. This allows these people of having some means to get their neighbors to quiet down when they think they are being too noisy.

Councilman Fix: We could objectively wind down the party as the hours go by, couldn't we?

Mr. Thomas: I guess we could do that if we could come up with enough of the kinds - you could set some kind of a time limit as so many people could make so much noise after so many hours.

(The council took a five minute break.)

Earl Loudenberger addressed the council, speaking against the ordinance; I would like to start off with a question; due to the fact that in subcommittees we were told that all these fine charts were made based at a fifty foot reading and Mr. De St. Croix brought up the question of what effect is it going to have on moving vehicles or any other thing that is concerned. And now all of a sudden by an insignificant article change they are to be read at 20 feet. Well, what they are telling us is going to happen by these charts is not in reality what will be a fact by the new readings. Then, in all the meetings in the past we questioned what is a meter reading - what will we be going by. I have here the latest issue of Motorcyclist which they took ten very expensive bikes - I am sorry to say only one of which I sell - and gave many specs on them but one of them was decibel meter reading and I believe the lowest one is 85.8, and we are supposed to live with an 80., in the daytime. This is a maximum figure, true, but as I have tried to explain, maximum on a motorcycle is anytime you start out in low gear and switch to second gear. On a cycle, cruising down the main drag of a town - you cannot cruise in fifth gear, with the very rare cycle - they just won't pull themselves. So because of this that bike is running at over half maximum constantly - it has to. That is even after you quit accelerating. And, based on this, I think we are being offered something we just absolutely cannot live with.

Councilman De St. Croix: What kind of motorcycles are you talking about in that range?

Mr. Loudenberger: BMW 50, Harley Davidson 1200, Honda 750, Kawasaki 903, Motoguzi 850, Norton 850, Suzuki 750. By the way, the two smaller bikes in this have two of the highest readings. Triumph Bonneville, which is a 750 I believe, Triumph Trident 750, Yamaha 750.

Councilman De St. Croix: What percentage of the Bloomington area motorcycle market would you say those type of bikes represent?

Mr. Loudenberger: Everyone one of them are represented here with shops. With one exception - motoguzi is not, though it will be - I just took it on.

Mr. Bron: May I say that we are back to what we have been saying over and over again with respect to motorcycles and any vehicle. It depends on how you make the measurements. If the measurement were made at twenty feet and presumably now this is a measurement where the motorcycle is in some sort of reasonably operating attitude - that is, for example, not with full throttle in the lowest gear, which makes the worst sound - presumably operating in a reasonable way as it would down the streets of Bloomington - then according to my chart, which I pointed out, our measuring techniques would in fact pass that vehicle, providing it were below 87.5, roughly, or 89, at twenty feet. So that, if in fact, what this gentleman said is true, those bikes would pass. There might be quite a number of people in this audience who would think that that is too loud and too unreasonable. However, if what he just said is so, then all those bikes would pass.

Mr. Loudenberger: Up until now I have attended all but one of the subcommittee meetings; not once has there been a decibel meter there, not once have we seen a questionnaire, so with the help of the AMA, the American Motorcycle Association, they sent a representative here who brought with him a meter. We took some readings up to the shop today, based on fifty feet. At fifty feet

we tried every angle we could; we took it on moving traffic going out the front of the building - not one truck passed, not even close and I mean by that like 104, 112, 96 - it was ridiculous - right down to pick ups - most of them did not pass. Now I am talking about new pick ups - not one of them that the muffler is shot out of them or anything like this. We took some meters of my biggest bike - the 903 - we had one with the baffles out at 50 feet - it barely exceeded their 80 decibel limit. The one based on fifty feet that they were shooting at the previous meetings. The one with the baffles in it met it in grand style. Neither would even come close to meeting it at 20 feet. Now I am sorry to say that we weren't aware that it was going to be brought down to the twenty foot level or we would have taken some readings there and I could have offered you some much better statistics there. The articles have been changed and they have been changed on us tonight a number of times. This does not allow the opposing factor in my way of thinking a chance to combat the article. Now article 14.09.30 (f) deals on that 50 to 20 feet - it is written right in there. Another article I am sorry to say that I don't know which one it is - article number 4, at the end of five years I will concede maybe with a lot of help we might be able to barely get by with some of these present proposals but at the end of five years, it reads right in there, that the environmental commission based on their own judgement - correct me if I am reading it wrong - can drop this completely unrealistic 72 figure in the daytime. It says after study but it doesn't say it will be brought before the city council or the public either. And I contend that one little committee should not have the right to impose such restrictions on many millions. Now I am going to close - maybe someone else has something they might want to add to it.

Ted Darbshire, Midwest Manager of the American Motorcycle Association, addressed the Council: I was called in to help represent some of the motorcyclists in this situation. I represent an association of motorcyclists which was founded in 1912 - we now have a total individual membership of somewhere around 200,000 motorcyclists. I would be more prepared for this thing but I just came into town this morning - I first read the proposal this morning, but I have been taking a few tests with my sound meter and it was just pointed out that there is not a truck around that will even come close to passing these standards.

Mr. Darbshire presented the meter readings he had taken. There seemed to be some confusion as to the comparability of the meter readings taken by him and those taken by the environmental commission. After further discussion of the ordinance, the council set up a metering session for Saturday, June 23, at which both sides, pro and con, of the ordinance were present, with two meters - the one used by the environmental commission and the one used by Mr. Darbshire. Due to the fact that this cleared up some of the discussion of June 21 which was largely related to confusion over meter readings will be omitted from these minutes. The tapes of this meeting will be maintained on file in the council office for one year.

Mr. Darbshire also took issue with the questionnaire and sample to which it was administered - he questioned whether this was a valid assessment of citizen concern in Bloomington.

Mr. Darbshire said that if he could have more time he would be able to provide the council with more statistics on his view of the effect of the proposed ordinance. Councilman Davis pointed out that this ordinance has been at first reading for two weeks.

Councilman De St. Croix: I have a question for Mr. Thomas and Mr. Bron. Particularly as regards to motorcycles, as we appear to have had some testimony contrary to what you gave us, if I remember correctly it was 62 vehicles tested and 5 did not fall within the accepted ranges. Could you tell us if those five represented the same sort of vehicles - what types of vehicles they were and what sort of representation of the motorcycle market they are? Are we talking about five vehicles that just so happen

to represent 30 percent, 10 percent, 2 percent, or 50 percent of the motorcycles on the road in this community? I think this is an important fact.

Mr. Bron: There are several things we can say - we had some identification of the vehicles - not all of them. I don't have it with me - they are in stacks of data which if somebody really wanted we could take out. One can definitely say that they were representative of the motorcycles of the community. They were not any special kind - or anyone in particular. They were tested throughout the community under various conditions - at various times of the day. All the statistical things that you would like to have when you make a statistical report of this kind - so that you can definitely say that 10 percent of the community - 10 percent of the motorcycles in this community might not pass the standard.

Councilman De-St. Croix: But my question is, say, for example, those five vehicles happen to be something like a Honda 350 which represents a very large percentage, I believe, of the motorcycles in the community - now, although it may represent 10 percent of the sample, it may represent a larger percentage of the total vehicles in the community.

Mr. Bron: I don't go along with that either, unless there was a skew distribution in this community of special kinds of bikes. They are all quiet somehow or other so that we got only 5 that were not. I doubt that there is a skew distribution. I would say that the distribution of vehicles in this community is no different than in any other community; the results we have are no different than those of the national results and, in the national results only about 5 percent would be outside of our range.

Mr. Darbishire noted that the second most important thing to people in the community, according to the survey taken by the environmental commission, is recreation. He noted that motorcycle riding is a popular form of recreation.

A question was raised from the audience about the testing methods used in California where the DBA limit is 95. Mr. Bron said that the California test is with the bike stationary with second gear in full throttle, at fifty feet. He noted that this is quite different from the measuring procedure being proposed in the ordinance. Mr. Bron said that they did not test motorcycles going at full throttle in second gear and they presumed that it was not necessary for motorcyclists to go through Bloomington in that manner.

Richard Webb, 1923 Maxwell Lane, spoke in favor of a stricter ordinance, with a lower noise level. Mr. Webb expanded on the arguments presented in his critique of the noise ordinance which he had presented to the council at the previous council meeting.

John Buffalo presented the council with a petition which he said had been signed by 350 people. The petition reads as follows: "To the Common Council-City of Bloomington, Indiana: We, the undersigned, individually and collectively do hereby petition the Council to reject the provisions of a proposed ordinance to control noise in the city of Bloomington. Said ordinance is the result of study and work of a committee appointed by the Bloomington Environmental Commission. All signers are in agreement that environmental protection studies and action, when undertaken to relieve unacceptable environmental deterioration are admirable. However, the undersigned are unsatisfied, and by no means convinced, that noise levels in the Bloomington area have or will in the immediate future reach unacceptable levels that would warrant passage of the proposed ordinance. We further have grave doubts that said ordinance, as written, would in any way alleviate unacceptable noise levels. The undersigned further agree that funding and enforcement of the ordinance would be an unnecessary burden on taxpayers and law enforcement agencies. In addition, we are of the opinion that local public nuisance preventive procedures are adequate to control unacceptable noise levels. Signers of this petition are appreciative of the work and industry of drafters of said ordinance. Never the less, we signers are in

agreement that priorities of said committee are mis-directed and that the committee would profit, not only themselves, but the entire community of Bloomington if they would direct their attention to matters more pressing and serious such as: 1. seriously deteriorating streets. 2. Neighborhood and property clean up. 3. And particularly abandoned junk car removal in Bloomington. We the undersigned respectfully and humbly request the common council to give careful consideration to our petition and reject the proposed noise control ordinance and to direct the committee to study and take action on matters more pressing and beneficial to the whole community."

Ronald Geery, 510 N. Fess, addressed the Council, speaking in favor of the ordinance. As I understand it the ordinance will not really make the city quieter, in fact, it will make the noise level increase a little. This would seem to me to be the minimum that could be done.

Howard Faris addressed the council - he said that he thought you should have the right to mow your lawn whenever you please. He said he thought the present ordinance on the books concerning noise should be adequate.

Robert Adams, 1800 Maxwell Lane, addressed the Council: I believe that the ordinance as far as it goes is a good ordinance and that it will help to prevent further deterioration of the environment, particularly as pertains to noise. I would like to propose that added to the ordinance be a provision for review - a mandatory review so that the ordinance can be revised through public meetings by the citizenry where citizen input might be available, taking into consideration the experience that might develop either through the citizenry or through the efforts of the environmental commission for its subcommittee over a period of time. So I would like to propose that a section with wording somewhat to this effect be added to the ordinance:

"Mandatory public review of this ordinance shall take place within six months or some other acceptable time, of date of passage and annually thereafter. Review shall be conducted under auspices of the environmental commission and must be publically advertised at least one month prior to being held." This is only suggested wording that could certainly be improved upon. This is the thrust of my proposal - that the ordinance be adopted subject to review at stated periods.

Mr. Bron: I want to point out that there is such a clause in the proposed ordinance only our time scale is five years.

Mr. Laudenburg addressed the council again: he restated his objections to the ordinance, but was too far from the microphone to be clearly transcribed.

Mrs. Barbara Heise addressed the council, speaking in favor of the ordinance: I am a member of the environmental commission; I would simply like to reiterate the commission's position with respect to this ordinance - we gave it an overwhelming endorsement. She noted that the ordinance would serve an educational function by increasing the public's awareness of noise levels and it will give recourse to people presently bothered by noise.

Richard Webb addressed the council, referencing to the minority report prepared by a dissenting member of the environmental commission, written by Richard S. Howe. Mr. Webb said he thought the public should be aware that there is a minority report. Mr. Webb said that he did not think he had been given a fair hearing by the environmental commission - not all members of the commission had read his critique but the commission would not recommit the ordinance pending consideration of his information.

Mr. Frank Russell, 314 East 14th Street, addressed the council: I find myself and I think perhaps the council is having some trouble with the facts - resolving some of the facts of this. I find that in the various statements that cycles do pass the requirements and that they do not, and that they can and that they cannot, and anyway trucks don't or trucks do. And, I think this fairly summarizes the objective evidence that we have been presented with. I think that part of the objection on all sides is that this has to be resolved and there is a question on

that. The purpose of this ordinance I take it in part is to include more or less objective measures of noise level. One of the results of that I would like to point out is that it would be possible to keep John Buffalo legal, if he would keep his motorcycle quiet and he would know just how quiet it would have to be and he would not have the possibility of being rousted by the police just because they don't like motorcycles - they would also have to not like the db reading and presumably be able to back it up. The third point that I would like to make is that the general purpose - those this ordinance is not perfect and presumably would not solve all the noise problems, that noise in this country and even in this city is a problem not only of peace and the pleasure and comfort of the inhabitants but also as a problem of public health because of some evidence which is steadily coming in that noise levels even that we are used to slowly but steadily deteriorate part of a person's hearing. And also as a matter of safety because communication, which was mentioned but perhaps not emphasized as much as it should have been in the discussion, communication out of doors in the daytime - not only in the residential areas but especially in areas where men are working out of doors, communication may be necessary to keep a man alive, and keep him safe when he can hear warnings and communicate with other people about work that they are doing. And as noise levels get up in the range that we are talking about it becomes impossible for people to communicate and signal possible danger and coordinate their work and that is part of what people have to do all day. I think it is not unreasonable for us to establish some sort of legal limit on what kind of noise can be made in the public areas of the city. Thank you very much.

Mr. Farris readdressed the council - he said that he has been trying to get some facts and figures from the environmental commission on the tests that they have done but he has not been able to.

Councilman Towell: It seems to me that there are a number of things that we really should resolve - not only to our satisfaction but to the public's satisfaction and I would like to see perhaps a group of people from the motorcyclists and the committee get together on some measurements. I would also like to have answered the business about do we have public nuisance laws that can do the job - I think that could be done. The other question: are we going to be ready to come to some kind of vote tonight and if not shouldn't we stop now because it is late. If we are going to continue for some time I think we ought to resume at another time.

Councilman De St. Croix: I would like to expand on Councilman Towell's remarks somewhat. Not only do we have some things to resolve, I think we need some more substantive data; I particularly would like to return to my earlier concern regarding the fact that these statistics are not explained in terms of what vehicles they represent, what type of percentage of the market they represent, and also the disparity between the measurements that were taken by the representative of the AMA and the measurements that were offered by the noise committee. I think raised some serious doubts. I would therefore like to move that Ordinance No. 73-45 BE TABLED until Tuesday, June 26, at 7:30 p.m. Councilman Morrison seconded the motion.

Mr. Thomas: Since there has been some discussion of what the measurements are like and what they actually prove, I certainly would be interested if members of the council are interested and feel they have the time to go with the committee members and the representatives who are against the ordinance and do some measurements so that they can see how it works.

The consensus of the council was that this would be desirable - a meeting was arranged for Saturday, June 23 in the parking lot of the municipal building - the council asked that both the meter used by the AMA and the environmental commission meter be there Saturday.

The motion to table was CARRIED BY A ROLL CALL VOTE of ayes 8, nay 0.



Councilman Davis moved the approval by the council of the mayor's recommendations of three appointments to the telecommunications council. Councilman De St. Croix seconded the motion.

Telecommunications Council appointments

Councilman Towell said that he had some questions concerning the relationship of some of the appointees to the public access corporation that was to be formed.

Councilmen Davis and De St. Croix WITHDREW their motion of approval of the appointments.

Councilman De St. Croix moved that Ordinance No. 73-42 -- electrical Nol 73-42 be tabled until the next-regular code -- tabling meeting of the council. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Councilman De St. Croix moved that Resolution No. 73-41 be introduced and read by the clerk. Councilman BEhen seconded the motion. The motion was carried by a unanimous voice vote.

RESOLUTIONS

73-41 -- transfer of funds

Grace E. Johnson, City Clerk, read Ordinance No. 73-41 in its entirety

Councilman De St. Croix moved that Resolution No. 73-41 be adopted. Councilman Morrison seconded the motion.

Grace Johnson explained that the court's postage expenses have gone up because of the number of suits filed by the city.

RESOLUTION No. 73-41 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 8, Nays 0.

Councilman De St. Croix moved that the agenda AGENDA CHANGE be expanded to include Resolution No. 73-42. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Councilman De St. Croix moved that Resolution No. 73-42 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

73-42 - zoning

Grace E. Johnson, City Clerk, read Resolution No. 73-42 in its entirety.

Councilman De St. Croix moved that Resolution No. 73-42 be adopted. Councilman Morrison seconded the motion.

Councilman Towell objected that the resolution was too general. He noted that the council had made a more specific provision during the zoning sessions. He asked that the Council Aide be asked to research the minutes and find that wording and that resolution No. 73-42 be defeated. RESOLUTION NO. 73-42 WAS DEFEATED BY A ROLL CALL VOTE OF AYES 1, Nays 7 (Aye: Morrison)

Councilman De St. Croix moved that the meeting be adjourned and that all unfinished business be carried over to the special meeting set for June 26. Councilman Morrison seconded the motion. The motion was carried by acclamation.

The meeting was adjourned at 12:05 a.m.

ADJOURNMENT

*Charlotte T. Zietlow*

Charlotte T. Zietlow, Council President

ATTEST:

*Amy G. Mann*

Amy G. Mann, Secretary

## Common Council Zoning Session - January 31, 1973

In the Council Chambers of the Municipal Building, from 7:30 p.m. to 10:45 p.m., with Council President Charlotte Zietlow presiding.

Present: Councilmen Ackerman, Behen, Mizell, Towell and Zietlow; S. Reller, A. Mann, G. Johnson, M.A. Gray, and about 20 other people, including members of the press.

Councilman Towell moved that the tentative schedule of zoning sessions drawn up by the Council in a work session be adopted as the official agenda for the sessions, and that a degree of liberality be included in the deliberations of the Council to permit consideration of the maps and the text simultaneously, as appropriate, and further, that the Council permit any decisions previously voted on to be reconsidered in light of subsequent decisions, as appropriate. The motion was seconded by Councilman Behen and carried by a unanimous voice vote.

The schedule adopted is as follows:

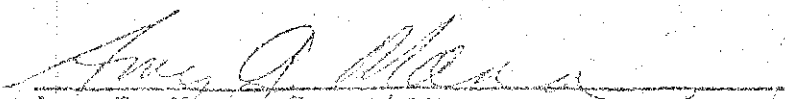
Common Council Special Sessions for consideration of proposed zoning ordinance

- 1/31/73 - 7:30 p.m. - consideration of the area west of Walnut; maps 1, 3, 5, 6, 11, and 12
- 2/8/73 - 7:30 p.m. - spillover from 1/31 and consideration of area east of Walnut and west of College Mall Road; maps 2, 4, 7, 13, and 15
- 2/13/73 - 7:30 p.m. - spillover from 2/8 and consideration of area east of College Mall Road; maps 8, 9, 10, and 14
- 2/20/73 - 8:30 p.m. - (following plan commission meeting) begin consideration of the text
- 2/26/73 - 7:30 p.m. - spillover from 2/20
- 2/27/73 - 7:30 p.m. - spillover from 2/26

All meetings are scheduled for the Council Chambers in the Municipal Building.

1. The Council considered the request of Mr. Max Gilpatrick concerning the property described as B29/SE-N. Monroe Street; the request was to expand the RL area adjacent to the Rurple mobile home development by 136' x 312'. Councilman Ackerman moved that the request be granted. The motion was seconded by Councilman Behen and carried by a ROLL CALL VOTE OF Ayes 5, Nays 0.
2. The Council considered the request of Ernest Howe, Earnco, Inc., concerning the property at 1515 Kinser; he requested a change from RS to RH. The plan commission denied the request as no specific proposal was submitted. The Council took no action on this request.

3. The council considered the request of Ken Rumble for property at 17th and Kinser; the request was to change from RS to RL and was granted by the plan commission. THE COUNCIL TOOK NO ACTION ON THIS REQUEST.
4. The Council considered the request of Hoadley quarries for property East of Arlington School, W. S.R. 46-A; the request was to take the property out of the quarry zone. Councilman Towell moved that the Hoadley property be zoned RE. Councilman Ackerman seconded the motion. The motion was carried by a ROLL CALL VOTE OF Ayes 5, Nays 0.
5. The Council considered the request of Robert E. Mason for 606 E. Gourley Pike; the request was to change it from RL to RH. The Council took no action on this request.
6. The Council considered the request of Bloomington Limestone Co., that 34 acres (B 20/SE) be taken out of the quarry zone. Councilman Mizell moved that the Bloomington Limestone Co., property be changed from MQ to RE. Councilman Ackerman seconded the motion. The motion was carried by a ROLL CALL VOTE OF Ayes 5, Nays 0.
7. Mrs. Joy Breeden asked that her property at the corner of Kinser and Gourley be changed from RH to a business classification. She said that she has been talking with a restaurant company about possible sale for business use and also with an oil company for use as a service station. Councilman Towell moved that this request BE TABLED until the session of 2/20/73, and that Mrs. Breeden be referred to the planning department for their consideration and recommendation concerning the property. The motion was seconded by Councilman Ackerman and carried by a ROLL CALL VOTE OF Ayes 5, Nays 0.
8. The Council Considered the request of Mr. and Mrs. Hagan for property at 520 Gourley Road; the request was that 1.29 acres be changed from RL to BA. Councilman Ackerman moved that this request be tabled until 2/20/73 and that the owners be asked to contact the planning department. Councilman Behen seconded the motion. The motion was carried by a ROLL CALL VOTE OF Ayes 5, Nays 0.
9. The Council considered the request of Howard Campbell for a change in the classification of property on the south side of Curry Pike. Councilman Towell moved that this request be tabled until 2/20/73 and the request be referred to the planning department. Councilman Ackerman seconded the motion. The motion was carried by a ROLL CALL VOTE OF Ayes 5, Nays 0.
10. The Council considered the request of Bert Wood that property at 1619 Kinser Pike be changed from RL to RH. The Council took no action on this request.
11. The Council considered the request of Charles and Elsie Small that property at Whitehall Pike and Curry Pike be changed from RS to BA. The Council took no action on this request.
12. The Council considered the request of the Monroe Development Corporation concerning two tracts at the junction of SR 48 and SR 37 bypass. After lengthy discussion, Councilman Ackerman moved that the north parcel be changed to MG since this would permit development of a shopping center under a PUD. The motion was seconded by Councilman Mizell and carried by a ROLL CALL VOTE OF Ayes 5, Nays 0.
13. Councilman Towell moved that consideration of MDC's south parcel be tabled until the next meeting (2/8/73). The motion was seconded by Councilman Mizell and carried by a ROLL CALL VOTE of Ayes 5, Nays 0.

  
Amy G. Mann, Secretary

February 8, 1973 - Common Council ZONING SESSION

In the Council Chambers of the Municipal Building, from 7:30 p.m. to 11:15 p.m., with Council President Charlotte Zietlow presiding.

PRESENT: Councilmen Ackerman, Behen, Davis, Fix, Mizell, Towell, De St. Croix, and Zietlow.

Councilman Morrison was absent from the meeting.

Others Present: T. Crossman, A. Mann, G. Johnson.

(Numbering of decisions continues from minutes of meeting of 1/31/73, for assistance in referencing.)

14. The Council considered the request of James Norris that his property be changed to BA. The recommendation of the plan department was that this was an acceptable change if the site plan ordinance is approved. Councilman Ackerman moved that consideration of the request of James Norris be tabled until the meeting of 2/20/73. Councilman Mizell seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

Councilman Towell inquired as to why Councilman Morrison has not attended any of the session held on the zoning ordinance and asked that he be summoned. Grace Johnson, City Clerk, telephoned Councilman Morrison's home and was not able to locate him. Councilman Towell asked that either Councilman Morrison be present at the next session when consideration of his section of the city is continued or that his excuse be given.

15. The Council considered the request of E. and C. Small for a rezoning to BA for their property at Whitehall and Curry Pikes. Tom Crossman recommended that the north side of Whitehall pike, between Curry and the bypass be zoned ML to a depth of 500 feet and that an area about 500 x 500 on Curry pike, just north of the ML area be zoned RH. He said that this would enable the Smalls to do what they wanted. Councilman De St. Croix moved that the recommendations of Mr. Crossman be approved. Councilman Towell seconded the motion. The motion was carried by a ROLL CALL VOTE OF Ayes 6, Nays 2 (Nay: Towell, Zietlow) Councilman Towell noted that he had seconded the motion in order to open discussion.

16. The council considered the request of Catherine Yates for a change to BA for her property on Crescent Street. The Council asked the planning department to check further on this request before the council takes any action.

17. The Council considered the request of Gene Rubeck for a change from RL to BA for property at St route 48 and SR 37 bypass, southeast intersection. Councilman Ackerman moved that the plan commission recommendation that this property be changed to BA be approved by the Council. The motion was seconded by Councilman Towell and approved by a ROLL CALL VOTE OF Ayes 8, Nays 0.

18. The Council asked Tom Crossman to draw up revisions of Section 20.14 of the text to strengthen the provisions for access roads. The Council expressed concern that the zoning ordinance be so written as to prevent additional developments with the traffic problems experience along east third street. Mr. Crossman said that the problem of access roads could be handled in the zoning ordinance, the thoroughfare plan, and the site plan ordinance.

19. Councilman Towell moved that the consideration of the Monroe Development Corporation property be removed from the table. (see item #13, 1/31/73) The motion was seconded by Councilman De St. Croix and carried by a unanimous voice vote. At the meeting of 1/31/73, Councilman Towell had moved that the area be changed to BA and Councilman Behen had seconded the motion. This motion was now on the floor for discussion. The motion was CARRIED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

20. Councilman Towell moved that the planning department be asked to study and make recommendations of specific changes in the text of the ordinance concerning the screening of commercial zones from other zones, and that written recommendations be presented to the Council. The motion was seconded by Councilman Ackerman and carried by a unanimous voice vote.

21. The Council considered the request of P.A. Burchfield, for Mr. Fleetwood concerning the proposed zoning of 6 lots on West Fifth, just East of Adams as RS. Mrs. Burchfield was requesting that it be zoned RH. Councilman Ackerman moved that the council concur with the recommendations of the plan commission that this area remain RS, as per the request of the Westside PAC. Councilman Mizell seconded the motion. The motion was carried by a ROLL CALL VOTE OF Ayes 7, Nays 1 (Nay: Behen)

22. Councilman De St. Croix asked that the plan department develop recommendations for special zonings on the Westside area so that once the PAC plans are finalized, people who need rezonings won't be penalized by lengthy and expensive rezoning procedures. He asked that a method be developed whereby such rezonings could be achieved quickly and inexpensively. Mr. Crossman said he thought that this was required by the HUD regulations.

Councilman Ackerman moved that the meeting be adjourned. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

*Amy Mann*  
Amy Mann, Council Secretary

February 13, 1973 - Common Council Zoning Session

In the Council Chambers of the Municipal Building  
at 8:15 p.m. to 11:15 p.m., with Council President  
Charlotte Zietlow presiding.

PRESENT: Councilmen Ackerman, Morrison, Mizell,  
De St. Croix, Zietlow. Councilmen Davis and  
Fix arrived while the meeting was in progress.

ABSENT: Councilmen Towell and Behen.

OTHERS PRESENT: Grace Johnson, Amy Mann, Tom Crossman,  
Mary Alice Gray. And, about 20 people including members  
of the press.

(numbering of decisions follows numbering of minutes of  
1/31 and 2/8)

23. The Council considered the request of Mr. Williams  
that his property on West Third Street be zoned BA.  
Councilman De St. Croix moved that the Council approve  
Mr. Williams request for a BA zoning. Councilman  
Morrison seconded the motion. The motion was carried by  
a ROLL CALL VOTE OF Ayes 5, Nays 0. Councilman Mizell  
said that he was voting in favor of the BA zone, subject  
to frontage and access and screening requirements for commercial  
zones which are being worked out by the planning department  
at the request of the Council.

24. The Council considered the request of Mr. Sudbury that  
his property be changed from the MQ and SC zones to RS.  
Councilman De St. Croix moved that Mr. Sudbury's property  
zoned MQ be changed to RS. Councilman Mizell seconded  
the motion. The motion was carried by a roll call vote  
of Ayes 5, Nays 0.

The Council asked that Mr. Sudbury and Mr. Crossman  
get together re the SC zone and explore other alternatives  
and methodologies that have been and could be used in  
terms of SC zoning.

25. The Council considered the request of the East Central  
Neighborhood Association, presented by Jim Dorr, that some  
kinds of quiet, "residential" business be permitted in  
their area. Councilman De St. Croix moved that the Planning  
Department be requested to look into the type of mixed,  
transitional zones suggested by the ECNA request and look into  
the possibility of giving the Council some type of flexibility  
which would allow the Council to opt for the mixed zone.  
Councilman Ackerman seconded the motion. The motion was  
carried by a ROLL CALL VOTE OF Ayes 6, Nays 0 (Councilman Fix  
was present at this point in the meeting).

The Council also expressed the concern that some means be  
looked into for maintaining the character of an area such  
as the east central neighborhood.

26. Councilman De St. Croix moved that the request of the  
East Central Neighborhood Association concerning the zoning  
of the area between 4th and 6th and between Washington and  
Dunn be tabled until the transition zone information  
requested in decision #25 is worked out. Councilman Mizell  
seconded the motion. The motion was carried by a unanimous  
voice vote.

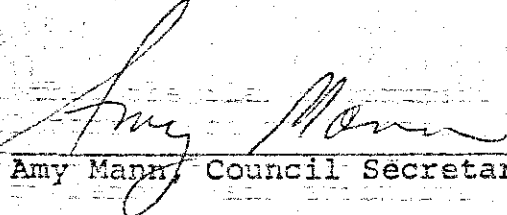
27. The Council considered the request of the ECNA for  
Prow, Alice and Harold streets. Councilman Mizell moved  
that the change recommended by the plan commission for Prow,  
Alice and Harold streets - that it be changed from RH to RM -  
be approved. Councilman Ackerman seconded the motion.  
The motion was carried by a ROLL CALL VOTE OF Ayes 6, Nays 0.

(Councilman Davis arrived at this point in the meeting.)

28. The Council considered the requests of Mr. and Mrs. Thompson and Mr. and Mrs. Hrisomalos that their properties at Third and Swain and Jordan and Atwater be changed to BG. After much discussion, Councilman De St. Croix moved that the requests of the Thompsons and the Hrisomalos's be tabled to the zoning session of 2/20/73. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

29. Councilman De St. Croix moved that the Planning staff be requested to meet with Mr. Thompson, Dr. Hrisomalos to discuss the development of a special type of zone to accomodate an area such as this, with high density, high student density and different needs than other commercial areas in the city. Councilman Ackerman seconded the motion. Councilman Fix noted that such a zone could possibly go up to 10th street - all commercial areas adjacent to the university could merit special requirements. The motion was carried by a unanimous voice vote.

Councilman De St. Croix moved that the meeting be adjourned. The motion was seconded by Councilman Ackerman and carried by a unanimous voice vote. The meeting was adjourned at 11:15 p.m.

  
Amy Mann, Council Secretary

Councilman Ackerman moved that the meeting be adjourned. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.