

In the Council Chambers of the Municipal Building, On Tuesday, June 26, at 7:30 p.m., E.S.T., with Council President Charlotte T. Zietlow presiding.

SPECIAL SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

Present: All nine members of the Bloomington Common Council were present at this meeting.

ROLL CALL

James Regester, Corporate Counsel;
Marvard Clark, Assistant City
Engineer; Grace Johnson, City Clerk

CITY OFFICIALS PRESENT

About 23 people including members of the press.

OTHERS PRESENT

Council President Zietlow noted that the agenda for this meeting was to be consideration of the noise ordinance, Ordinance No. 73-45, and any other unfinished business from the meeting of June 21.

Councilman De St. Croix moved that the agenda be amended to permit consideration of agenda expansion resolution No. 73-43 and Ordinance No. 73-46. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Davis moved that Ordinance No. 73-46 be introduced and read by the Clerk. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance No. 73-46 -
first reading

Grace E. Johnson, City Clerk, read Ordinance No. 73-46 in its entirety.

Councilman De St. Croix moved that Resolution No. 73-43 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Resolution No. 73-43
zoning

Grace E. Johnson, City Clerk, read Resolution No. 73-43 in its entirety.

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

Councilman Towell said that this is a much clearer resolution than 73-42 and that it is more in keeping with certain standards of fair play and justice. I see no reason to have people applying for rezonings that we spent a lot of time on and considered during the hearings on the zoning ordinance. It seems to me that this also has the virtue of keeping down the number of people who will be reapplying in the next six months. That is why I opposed the last resolution.

Resolution No. 73-43 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilpresident Zietlow noted that, as all other business had been handled, the council would now move to consideration of Ordinance No. 73-45 which had been tabled on June 21 to this meeting.

Ordinance No. 73-45 -
noise regulations

Council president Zietlow: Last Saturday members of the council met on the parking lot - Councilmembers Towell, Fix, Davis, Mizell and Myself - with members of the noise abatement committee, Jan Bianchi, Mr. Loudenberguer, Mr. Darbshire, and at least one other motorcyclist - we listened to motorcycles and went to Grove's restaurant parkinglot and proceeded to take more measurements of passing traffic on north walnut street. We found out that one of the quieter places to live in Bloomington is half way down a hill on a one-way street going down. Then we went to College and listened to the traffic there - a number of measurements were taken. I think that, speaking for myself, one of the things that we got to understand was the procedure of the measurement. I think it was striking how few motorcycles go by on a Saturday morning when you are really listening for them.

Frank Thomas reported on the measurements that were taken Saturday, June 21. Of all the vehicles measured - motorcycles and cars and trucks, the only one that did not meet the requirements of the proposed ordinance was a semi-truck going up a grade on College. But it was later pointed out that measurements would not be taken on an up-grade as it was not felt that this would be admissible in court - just as a speed trap on a down grade would not be accepted by a judge.

John Castellan addressed the council: he explained the data collection techniques that were involved and noted that it was not always possible for the person doing the measurements to get a good description of the vehicle measured because the car was moving too fast. He presented the members of the council with a report which broke the down the models of the different vehicles measured.

There was extensive discussion of the ordinance at this meeting - members of the noise abatement committee addressed the council; Mr. Loudenberguer spoke; Mr. Webb; Phil West of the Noise abatement committee, and other members of the audience. Due to time constraints in the transcription, the full discussion will not be transcribed here. The tapes of this meeting will be kept in the council office for one year.

Councilman Towell moved that the Ordinance No. 73-45 be amended by revising sections 14.09.020, 14.09.030, 14.09.060, and 14.09.080 as recommended by the environmental commission. (These amendments are reproduced in full on page 14 of the minutes of the council meeting of June 21.) Councilman Ackerman seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Davis moved that Ordinance No. 73-45 be amended by changing the words "special permits" in section 14.09.070 (b) to read "temporary permits" and adding a new subsection (c) to section 14.09.070, to read as follows:

"c. The Mayor, or other authorized person, may issue Special Permits, that remain in force, for equipment that is maintained in good condition. Reasonable conditions may be placed upon the Special Permit and the Special Permit shall be renewed annually."

Councilman De St. Croix seconded the motion.

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

Councilman Fix moved that Ordinance No. 73-45 be amended by changing section 14.09.020 (j) to read as follows:

"'Daytime' for Non-stationary sources shall mean six (6) a.m. to eleven (11) p.m. and 'night time' for Non-stationary sources shall mean eleven (11) p.m. to six (6) a.m.; 'daytime' for Fixed sources shall mean seven (7) a.m. to nine (9) p.m. and 'nighttime' for Fixed sources shall mean nine (9) p.m. to seven (7) a.m."

Councilman Towell seconded the motion.

There was concern that people be able to continue "daytime" activities involving moving vehicles to the full time period that these activities actually occur; there was also concern expressed that certain activities, such as lawnmowing be limited so as not to interfere with sleeping periods of children and others.

THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 8, NAYS 1 (Nay: Towell)

Councilman Towell moved that Ordinance No. 73-45 be amended by adding a new subsection (c) to section 14.09.040, to read as follows:

"c. Mandatory public review of this ordinance shall take place within six months of date of passage and annually thereafter. Reviews shall be conducted under auspices of the Environmental Commission and must be publically advertised at least one (1) month prior to being held."

Councilman Davis seconded the motion.

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

Councilman Towell moved that Ordinance No. 73-45 as amended be adopted. Councilman Fix seconded the motion.

There was some discussin from the floor.

Councilman Towell moved the question (to close debate). Councilman De St. Croix seconded the motion. THE MOTION TO CLOSE DEBATE WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

The roll was then called on the motion to adopt Ordinance No. 73-45 as amended.

ORDINANCE No. 73-45 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 6, NAYS 3 (Nay: Morrison, Behen, De St. Croix)

Councilman De St. Croix explained his vote against the ordinance by saying: "Because I believe the ordinance is unenforceable, I vote 'no'."

Councilman Fix explained his vote in favor of the ordinance: "Because I believe it is as enforceable as our speed laws - it takes the same kinds of apparatus, the same kinds of efforts and our police department is supposed to be one of the best, I vote yes."

Councilwoman Zietlow explained her vote: "Because we built in the mandatory review and because I think it is something we have to work for, I vote yes."

Councilman De St. Croix moved that the meeting be adjourned.

ADJOURNMENT

The adjournment motion was unanimously seconded and carried.

The meeting was adjourned at 9:45 p.m.

Charlotte T. Zietlow
Charlotte T. Zietlow, Council President

ATTEST:

Amy G. Mann
Amy G. Mann, Secretary


RESOLUTION No. 73-43

WHEREAS, prior to the passage of Ordinance No. 73-3, on June 21, 1973, there had not been sufficient time to consider the entire impact upon all properties affected by such Ordinance; and

WHEREAS, at its final Zoning Session, on April 24, 1973, the Common Council, by a unanimous vote of nine to zero, approved the establishment of a six-month grace period from administrative fees for rezoning requests not resolved by the Council during its Zoning Sessions; and

WHEREAS, Mayor McCloskey has expressed his support of such a grace period,

NOW, THEREFORE, BE IT FORMALLY RESOLVED by the Common Council of the City of Bloomington, Indiana, that a six-month grace period be allowed, forgiving administrative charges during that time for people who want to apply for a rezoning for a use which was legal before Ordinance No. 73-3 went into effect, for areas included in the Westside PAC area, and for all cases left unresolved by the Common Council, but SPECIFICALLY EXCLUDING the fee waiver for those cases already decided by the Common Council. The six-month grace period shall begin with the passage of this resolution.


Charlotte T. Zietlow
President, Common Council


Francis X. McCloskey
Mayor

adopted: 