

In the Council Chamber of the Municipal Building on Thursday, January 6, 1972, at 7:30 p.m., E.S.T., with Council President, Charlotte Zietlow presiding.

Council President, Charlotte Zietlow.

Members present:

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

Members absent: None.

Martha E. Sims, City Controller; Marvard Clark, Assistant City Engineer; Grace E. Johnson, City Clerk; Larry Owens, City Attorney; Tim Hodenfield, Administrative Aide; Bill Wilson, Director Parks and Recreation; Danny Fulton, Director Department of Re-development; Pat Patterson, Planning Department.

Approximately 100 including members of the press.

Councilman Hubert Davis.

Councilman Morrison moved that the Minutes of January 3, 1972, be approved as submitted. Councilman Towell seconded the motion, and it carried by unanimous voice vote.

None.

None.

Councilman Morrison moved that proposed Ordinance No. 72-2 be introduced and read by the Clerk. Councilman Towell seconded the motion.

The Clerk read proposed Ordinance No. 72-2.

Councilman Morrison moved that proposed Ordinance No. 72-3 be introduced and read by the Clerk. Councilman Towell seconded the motion.

The Clerk read proposed Ordinance No. 72-3.

Councilman Morrison moved that proposed Ordinance No. 72-4 be introduced and read by the Clerk. Councilman Ackerman seconded the motion.

The Clerk read proposed Ordinance No. 72-4.

Councilman Morrison moved that the rules be suspended for further consideration of proposed ordinance No. 72-4. Councilman Towell seconded the motion.

Roll call vote: Ayes 9, nays 0.

Councilman Morrison moved that proposed Ordinance No. 72-4 be advanced to second reading and read by the Clerk by title only. Councilman Behen seconded the motion.

The Clerk read proposed Ordinance No. 72-4 by title only.

REGULAR MEETING
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

CALL TO ORDER

ROLL CALL

CITY OFFICIALS PRESENT

CITIZENS PRESENT

INVOCATION

MINUTES

REMONSTRANCES AND
OBJECTIONS

ORDINANCES-SECOND READING

ORDINANCES-INTRODUCTION

Ordinance No. 72-2
Zoning Lots 2, 4, 6, 8 and 10
in Bolman Addn.

Ordinance No. 72-3
Zoning Land located East
Side Rogers Street, South
ICR.

Ordinance No. 72-4
Bonding of Public Officials

Councilman Morrison moved that proposed Ordinance No. 72-4 be adopted. Councilman Towell seconded the motion.

Roll call vote: Ayes 9, nays 0.

None.

RESOLUTIONS

PETITIONS AND COMMUNICATIONS

Animal Shelter-Humane Association

Mr. Lloyd, Attorney, presented a draft of Ordinance and agreement with Humane Association on the Animal Shelter, to be reviewed by the Council at their convenience. This proposed ordinance and agreement is to settle the long disputed Animal Shelter problem seeking any modifications that might be incorporated. He said it was the desire of the Humane Association that the law suit be settled at the earliest possible time for the benefit of all concerned. The primary objective they have is to establish a model Animal Shelter program, based upon the full cooperation of the City, County and the Association. "We seek to have the Animal Shelter returned to the Humane Association as an independent operation yet with the advice of an Animal Control Commission." He suggested this commission might be composed of the following members; One member of the City Council, a member of the public, city resident, one member of the County Council, one member designated by County Council terms to be prorated over a twelve year period.

Councilman Morrison asked who the Humane Officer would be responsible to. Mr. Lloyd said he would be responsible to the Animal Control Commission, that it could be the City of Bloomington, although they thought the Commission, one of its functions would be to gain some expertise in a particular problem area, namely a warden. The Association has no control over the warden. He is responsible and has to answer to the Commission. All complaints on animals are to be delegated to the Commission.

Councilman Towell said he would like to thank Mr. Lloyd for providing the Council with such proposed ordinance and agreement, which meets with the approval of the Humane Association and which would be a basis of Council's final disposition of this.

Councilman Morrison suggested that a fee be stipulated in the ordinance for the adoption of animals, etc.

Mr. Lloyd said he would be happy to meet with Mr. Owens, City Attorney to discuss the proposed ordinance.

Mr. William Andrews, City Judge reported that the new city court hours have been set up to begin at 1:00 p.m. to 5:00 p.m., five days a week, with trials scheduled at 2:00 p.m., after arraignment and other administrative matters are taken care of. That it is their intention to see that all cases are disposed of within one year period from the time they are filed.

Report on City Court

Another change is that of bond procedures under rule #6. Previously most people that were arrested for driving offenses, such as

driving, under the influence and other misdemeanors were required to post bond according to a set schedule. They have now developed a recognizance bond form, and basically anybody who has a permanent address or established job within Monroe County even no not a resident of the County can be released on their own recognizance without posting bond. There are some exceptions such as someone who has been convicted of the same misdemeanor for which they are charged with or has three previous misdemeanor convictions. On their failure to appear as set out in recognizance bond, a warrant will be issued for their arrest.

A permanent address also includes the address of any full time or part time student at Indiana University, so this will also work for the benefit of the students.

Another change is that of setting up a cafeteria type disposition of minor traffic offenses, where a person may sign appearance and plea of guilty, and waiver of right to trial and appearance before the Judge and see the City Court Bailiff, pay \$1.00 and costs without going before the Judge and without having to take additional time to have a change to go before the Judge.

Mr. Andrews said he would like to set up a "small claims" court whereby citizens could file small claims without the use of an attorney. This can possibly be done by drafting up simple forms which can be filled in by persons who wish to file the suit. He also said an additional appropriation may be needed from the Council if Civil matters are to be handled regularly.

Mrs. Johnson, City Clerk said there were now 127 small claims pending in the court, which are more involved because of various evidences that are brought out.

Mr. Robert Hamontre, President of the Monroe Recycling Corporation read the following letter to the Council:

Report Monroe Recycling Corporation

"The Honorable Mayor
Members of the Common Council
City of Bloomington, Indiana

The Monroe County Recycling Corporation organized in November, 1971 to operate a volunteer program for the research and education on the collection of recyclable materials in Bloomington and Monroe County, Indiana. Documented facts will be presented to City and County Governments and private industry on the feasibility of adopting county-wide programs of recycling paper, glass, metal and organic matter on a regular basis.

For your information, the average market price for newspapers is \$10.00 per ton. The present market price is \$13.00 per ton. The three daily papers in Bloomington, along with the two outside dailies account for over 80 tons of newspaper per week in the Monroe County Market. According to figures from the Bloomington

Post Office an additional 40 tons of newspapers and magazines are delivered in this market each week by mail. The market price for magazines is about 60 percent of the newspaper value per ton. It is recognized that 40 to 50 percent of the solid waste is paper products. Glass Container Manufacturing Institute, Inc., reports 59 percent by weight of solid waste is paper. This means that paper collection would account for a minimum of 20 percent savings on the landfill usage, thus extending the life of a five year landfill by one full year. The only way to accurately determine this factor is to keep records of the program and compare the tonnage deposited in the landfill against figures of a corresponding period before the program began.

As a first step, the Monroe County Recycling Corporation hereby requests the City of Bloomington's governing body to seriously consider passing an ordinance requiring the separation of newspapers and magazines from the normal contractual trash pickup; assume the obligation of the newspaper and magazine pickup as a service to the City residents on their normal trash day through a non-tax supported department, such as the Sanitation Department; and, contract with a firm to recycle the paper and magazines, using the proceeds to offset cost of the operation.

Unanimously approved and adopted by the Monroe County Recycling Corporation Board of Directors, January 5, 1972."

s/Robert D. Hamontre, President

Monroe County Recycling Corporation Board of Directors:

Bob Hamontre--President
Vaughn Rice--Vice President
Nancy Hayes--Secretary
Leon Little--Treasurer
Rod Crafts--Project C-ordinator
Mel Miller--Paper Committee
Jim Cheeseman--Glass Committee
Mike Connelly--Organic Committee
Ann Armstrong--Volunteers Committee
Wayne Fix--Co-Chairman, Volunteers
Mildred Dansker--Metal Committee
Bob Young--Transportation & Facilities
Dana D'Esopo--Research & Education
Tom Tarzian--Finance Committee
John Rutherford--Marketing Committee
Nancy Miller--Promotion & Publicity

Mr. Hamontree said they felt there was some urgency because the bids for trash pick-up would soon belet for this year, and they felt this was the first step in incorporating some form of recycling in the city.

Councilman De St.Croix asked if this program had been adopted by any other cities.

Mel Miller said that Madison, Wisconsin was doing a program by the Sanitation Department, but they do not have specific information on it. Also Evansville is doing some on a study basis, and there are cities in New Hampshire and Rhode Island that are

working on this program.

Councilman de St.Croix asked that the Recycling Corporation get some information if possible and submit it to the Council so they might have it when the contracts are prepared, so as to have the best possible program.

Mr. Hamontre stated they attended a meeting of the Environmental Commission to see what they were doing as they did not want to be working at cross purposes and wanted to be sure they were going down the same "road".

Mrs. George Heise of the Environmental Commission said if approval is given by their commission, they would have a similar request ready for the next council meeting.

Mr. Hamontre said the proposed program would probably take two trucks, with three men each and cost somewhere in the neighborhood of \$35,000.00 to \$50,000.00 a year to operate the program. The income from the papers should more than cover the cost of expense of operation.

Cathy Rusink stated the following: "In general Contact strongly supports the concept of city-managed recycling of reusable wastes. We feel that citizens are and can be educated so as to cooperate effectively with such a system. Such an operation will also serve as a reminder that neither raw materials nor wood nor disposal space is infinite and that more and more planning will be needed in the future to contain and dispose of or to reuse our wastes. Although, our first efforts may not be perfect, it is time for Bloomington to begin municipal recycling."

James Dorr of the Eastside Neighborhood Association presented to the Council a petition signed by persons interested in recycling and urging the Bloomington Common Council to include a recycling program in the new garbage and trash collection contract. Copy of petition is attached and made a part of the minutes.

Councilman Ackerman asked if there were any possible alternatives other than door to door.

Mr. Hamontree said they felt individual pick-up would be best, otherwise they wouldn't get total cooperation.

Councilman De St.Croix asked if there was any particular reason why their proposal indicates that the city ought to separate this from the contracting service and provide that service themselves, rather than writing it into trash collection contract, with specific requirements that they separate these materials and benefit from the proceeds.

Mr. Hamontre said they had no objections to that, the main thing is getting it collected and recycled.

Councilman Behen said that the particular vehicles that are being used for trash pick-up now would not be conducive to having racks built under them and would necessitate a trash removal firm having to be involved of entirely new fleet of equipment, etc.

Councilman Fix said he could see quite a bit of value in the City doing this themselves as they learn how during the year, and also incorporate other recycling ventures.

Mr. Fisher asked about the market value of newspapers.

Mr. Hamontree said the only information he had was from brokers who have told him that the only problem of recycling newspapers, is that it could reach a point, if every city got into the business, that the market value possibly would drop because we would not have enough things needed to use up the recycled paper.

Mr. Max Campbell asked why plastic bags could not be used.

Councilman Morrison said the decision to ban plastic bags was made by Mayor Hooker and not by the previous council.

Councilman Fix said the plastic bags do not decompose well in the county landfill and retard decomposition of the other trash.

Mr. Bob Wagoner President of Lay Board of St. John Apostle Church reported that ground had been broken and foundation laid for a hamburger stand immediately adjacent to the property of the church. He said he did not think a hamburger stand was compatible to the church.

St. John Apostle Church
(objection to Hamburger
Drive-in across from Church)

Mrs. Mary Baker said the work began without a construction permit and read the following report:

"The Parish Council Committee has observed that a Mr. Cowden owner and contractor is constructing a Just-rite Hamburger concession. The construction is taking place just west of the new West Side By-Pass and West 3rd Street. (also known as Whitehall Pike and State Road #48) The site of 187 foot frontage and 387 foot depth is classified as M-1 and is adjacent on two sides to an R-1 zone. The hamburger stand will stand directly in front of a three quarter million dollar church dedicated last year to serve over three hundred Catholic families on the West Side of town. We would like to note that the 187 foot width is unusually small to permit a two curb-cut-ins into a primary road State Road #48. There is no evidence that the presented plat has been approved by the State Highway Department as to ingress and egress in view of the fact that the greater traffic flow from the 37 West By-Pass is anticipated. The plot shows no evidence enough room to allow a screen buffering between an R-1 and an M-1 zone. The plot shows four foot between the property line and the and parking lot in front of church structure. The plot and accompanying papers in the Engineer's office do not indicate the means of water and sewer services. There is no present indication between city services and annexation and the two mile fringe. It was mentined however, that if city services are provided that the M-1 area then would be annexed as R-1. This is indeed

confusing as it would permit the building of a non-conforming use. Apparently the architect who devised the plot has not allowed for a 100 foot right of way on the primary road. We believe that this plot should have been reviewed by the Board of Zoning Appeals. The parishioners of St. John The Apostle Parish welcome progress on the West Side. We however, feel that much scrutiny of all construction is of due importance. So that we might avoid some of the pitfalls of prior planning of this community, we beg your cooperation in reviewing this petition in order that dignity be preserved at a place of worship. We would like to mention that there are other possibilities for the use of Mr. Cowden's land which could be completely compatible and acceptable to the people of St. Johns Parish."

Councilman Fix stated the Council was aware of this and the majority are not satisfied that nothing can be done.

Mr. Clark, Assistant City Engineer said that construction did start without a permit and they put "a stop work order" on it and when the State Highway approved the driveway, a permit was issued. The area is zoned M-1.

Councilman Fix said the Council would like to meet with some of the citizens and representatives of the Church.

Councilwoman Zietlow said she would like to have the City Attorney also meet with them.

Councilman Behen said it was almost a total opinion of the council that this is not compatible and good planning for the city and yet many people have said it is legal, it is already zoned, they couldn't do anything about it.

Reverend Joseph Walker, Board member of Downtown Churches reported that the chances for the project were slim at this point. The government withdrew its agreement for appropriation because no action was being taken in Bloomington and other communities were in need of funds. Rev. Walker said the FHA did hint it might rescind its action if some type of action is taken in Bloomington within ninety days of December 3, 1971 decision.

Downtown Churches
High-Rise

The Council asked that Rev. Walker have a report to present to them at their next meeting.

Helen Depree reported to the Council that she thought there should be a Health Care Center established for the treatment of venereal disease of young people and to provide pregnancy tests for young girls under eighteen.

Health Care Center

Councilman de St. Croix moved that the Common Council pass an official communication to the Monroe County Comprehensive Area Health Planning Council requesting that they investigate the incidence of venereal diseases and related problems in this community and further that they along with appropriate community groups and agencies including the Common Council develop a community wide education program as regards these problems as to their existence and treatment and further consider possible programs for treatment of venereal diseases and related problems. Motion was seconded by Councilman Mizell, and it carried by unanimous voice vote.

Mike Connelly of Middle Way House brought to the attention of the Council that a Conference, sponsored by the Cleveland Free Health Clinic and the Hait-Asbury Free Health Clinic and relating to the problems of venereal disease and other health problems was being held at Washington, D. C., during the week of January 14-17. He was hopeful that someone representing this area could go if funds could be provided to cover expense of the trip.

Tom Ross, a student legal services attorney asked the Council to consider the repeal of "Police Order 25", which is an ordinance allowing certain people to buy parking space in front of residences, and if anyone else parks there, the police tickets the car, or residents have the cars towed away and the owner of the car has to pay the tow expense. He further stated this ordinance had been found unconstitutional in other cases, one in Ohio and one in Indiana.

Report on Ordinance
No. 56-25 (Police Order 25)

Councilman Davis suggested that the Council refer the repeal request to its traffic committee which will be established within a couple of weeks.

Corporate Counsel James Register reported that he and the City Attorney, Larry Owens had met with Mr. Donald Sowder, Plant Manager of Westinghouse, Mr. Leland Fowler, Plant Manager of General Electric who was accompanied by Mr. Hopper, Public Relations Director of G.E., and also Stewart McClure of Otis Elevator. The companies were formally invited to become a part of this city and letters were handed to the Plant Managers. Each of the Plant Managers said this had been discussed before and they would of course have to refer this to their home office. They reported that they could see no particular advantages before when this was discussed. Mr. Register said it was their moral position to bear the burden of supporting the water and sewer services they have enjoyed. If the companies are annexed taxation will not become effective until March 1973. Mr. Register also reported there were two old cases pending in Court against the City which would have to be dismissed first, and that he and Mr. Larry Owens, City Attorney were working on a way to get those dismissed. There will be a separate ordinance for each company due to certain technical matters of one of the companies.

Annexation of Westinghouse,
General Electric, Otis
Elevator (Jim Register)

Mrs. Sims reported that all of the Department Heads had been very congenial in helping her and with the assistance of Mr. Howard Young and the legal counsel she hoped to get some of the matters taken care of.

Report from Controller
Martha E. Sims

Mr. Patterson of the Planning Department said there was a doubt whether there was a public hearing held, but the council should keep in mind that the eyes of Indianapolis, Chicago and Washington occasionally get directed in toward Bloomington when we submit application for federal funds.

Report on Ord. 71-64
Adoption Master Plan

He thought the consequences of a repeal should be seriously considered. That we are on the threshold of planning and there is lot of work yet to be done. He said that it would be well for the council to keep in mind that we consider this a beginning rather than taking a step backwards, so to speak to the interest of the community in that regard and the impact upon the mind of the taxpayer at the time budgets are considered, we want to be certain that the council does not give anyone the opinion or a basis that they are not in favor of more planning. That he kept condering up visions of addressing this council to defend budgets and to working with the new Planning Director in preparing such justifications and new budgets. These were some of the concerns he has in considering the effects of the ordinance and the effects of changing or repealing the ordinance. He stated further that the council had the responsibility if they have concerns about the way the ordinance is written to examine it and consider any changes they think are appropriate and asked that they consider if they take the action of repealing that ordinance, that we should move ahead with a comprehensive plan and have one adopted as the city does have advantages of working under an adopted comprehensive plan.

(A copy of report from Pat Patterson to Mayor McCloskey is made a part of the minutes.)
(Copy of memo from City Attorney, Larry Owens to Mayor McCloskey is attached and made a part of the minutes.)

Mrs. Grace E. Johnson, City Clerk read the following report from CONTACT which was submitted by Cathy Rusink:

"For months, CONTACT has felt that the many copies of the JJ&R plan languishing in the Municipal Building should be released to the public. Citizens must at once have the best impression possible of what the experts last year saw as the Bloomington of the near future. We, also feel that the Common Council should formally accept the plan if that has not already been done by the rather ambiguous ordinance passed hurriedly in the last week of 1971. On the other hand, we do not feel that the plan is complete enough to be dignified by the designation "master plan." It is extremely urgent that a concrete set of priorities be established for implementing the most important parts of the plan and that a capital improvements plan for Bloomington be established in addition. The proposed comprehensive zoning ordinance, which must once again be actively worked upon, is only a start in the implementation. Although we realize that much of the input in flushing out and implementing the skeleton-like JJ&R plan must come from Offices or Boards or Commissions in the Municipal Building, CONTACT will gladly help procure citizen help where it is desirable and necessary."

Cathy Rusink gave the following report from CONTACT on rezoning the West side of Walnut Street between 8th and 9th Streets from R-3 to B-2:

Report on Area Planning from CONTACT

At the present time, CONTACT agrees with the

view of our City Planning Department expressed at the Plan Commission meeting of December 22, that this change should not be made. Regardless of the zoning, both sides of Walnut street are essentially residential here and to the north of this. We oppose the nibbling away of residential areas by small parcel zoning, which contributes to the instability and subsequent deterioration of areas adjacent to business zones because owners never know when they will be confronted by business at less than a yard's length away. Since the Planning Department is currently redrawing the zoning map for the whole city, we oppose changing the zoning here until it is apparent what is the fate on the new map of the larger area of which it is a part."

None.

REPORTS FROM OFFICIAL
BOARDS AND COMMISSIONS

None.

REPORTS FROM STANDING
COMMITTEES

None.

REPORTS FROM SPECIAL
COMMITTEES

Mr. Lloyd Olcott, president of the Park Board asked that the Council give immediate consideration to the Phase I of their comprehensive plan. That they have taken the recommended steps in the full operation and necessary steps that will be required to get their bond issue and to fulfill the things that are in Phase I.

REPORTS FROM CITY OFFICIALS
AND DEPARTMENTS

Bill Wilson, Director of Parks and Recreation gave a report on the projects as recommended by the Park and Recreation Comprehensive Plan of 1971, and referred to as Phase I. A copy of the report is attached hereto and made a part of the Minutes. Color slides were also shown to the audience of the various park areas.

Mr. Lloyd, Attorney for the West Side Park Committee, said that it was the feeling of the citizens in the area that the West 9th Street Park be included in the bond issue.

Mrs. Bridgewaters said the citizens in the neighborhood felt it should be included as one of the top priorities in the bond issue.

Councilman de St. Croix moved that the Council recommend to the Department of Parks and Recreation that they proceed with their study of the proposed Park Plan and carry out public hearings in conjunction therewith. Councilman Behen seconded the motion, and it carried by unanimous voice vote.

Councilman Behen congratulated Jim Way of the Street Department on his excellent job of his first snow removal from the city streets.

MESSAGES FROM COUNCILMEN

Councilman Fix said he attended the first meeting of the Board of Public Works and wished to commend Mayor McCloskey on his appointment of Mrs. Mary Lou Brown to the

Board. He also expressed a desire that the Council members met with County officials and make contact as soon as possible with the County Commissioners and County Council to start the cooperation between the City and County.

Councilman Davis stated that since he was instrumental in setting up the Traffic Commission he suggested that any persons interested in that contact him.

Councilman de St. Croix said that since would be formulating the Manpower Study Commission for Monroe County, and especially the City of Bloomington, he would be interested in getting input from citizens, and citizen groups as to ideas for the formulation of this Commission. Basically they would like to look at several of the areas, the total employment picture, areas that have not received as much attention as they deserved in the past, questions of unemployment, skilled development, hiring disadvantage groups in the community, what the city as a corporate structure can do internally as well as encouraging local employers to begin to address themselves to those problems.

Councilman Towell said he had intended to give a talk on the tenant-landlord problems in the City with the hope of sitting up a committee to consider ordinances regulating these matters, and without a message justifying it he asked the Council to refer this to a special committee with volunteers from the Council to have public hearings on the matter at which time all the ideas he has would be presented along with the ideas from other people and members of the public as well.

Councilman Towell moved that there be a special housing committee to hear discussions and formulate ordinances about landlord-tenant and other housing problems and ask that the Council send housing matters to a Housing Committee which would hold public discussions on these issues. Councilman Morrison seconded the motion, and it carried by unanimous voice vote.

Councilman Ackerman read the following list of council representatives appointed to the Boards and Commissions:

CAP Board: Wayne Fix, Charlotte Zietlow
Mental Health Foundation Board of Directors: Charlotte Zietlow
Traffic Commission: Hubert Davis
Board of Planning Commissioners: Sherwin Mizell
Human Rights Commission: Brian de St. Croix
Animal Control Commission: James Ackerman
Environmental Commission: Wayne Fix
Drug Commission: Richard Behen
Public Housing Authority: Liaison-Alfred Towell
Redevelopment Commission: Liaison-Alfred Towell
Fire Safety: Wayne Fix
Board of Public Works: Liaison, Hubert Davis
Board of Public Safety: Liaisons, Richard Behen, Alfred Towell
Board of Parks & Recreation: Liaison
James Ackerman
City-County Park Study Committee: Wayne Fix, James Ackerman
Acting on proposed Commissions:
Housing: Alfred Towell

Transportation: Hubert Davis
Manpower Study: Brian de St. Croix

None.

OTHER NEW BUSINESS

Councilman Zietlow said the Mayor would not be coming to the Council meetings regularly unless he requests to come or unless the Council requests him to be present. He has been asked to give a major statement to the next Council meeting.

MESSAGE FROM MAYOR

None.

EXAMINATION OF CLAIMS

The meeting adjourned at the hour of 11:00 o'clock P.M.

ADJOURNMENT

Charlotte T. Zietlow
Charlotte T. Zietlow, Council President

ATTEST:

Gladys L. Van Hook
Secretary

M E M O

TO: Mayor McCloskey

DATE: January 4, 1972

FROM: Pat Patterson

SUBJECT: (Ordinance 71-64) An Ordinance to Recognize and Officially Adopt the Master Plans of the City of Bloomington.

The purpose of this memorandum is to discuss the effects of Ordinance 71-64 passed by the previous city council. Daniel Mandelker, Professor of Law at Washington University, notes in his book, The Zoning Dilemma the following legal distinction between the Master Plans of a community and local zoning regulations: "The plan states the development policy for the community, and while it may or may not be adopted by the local legislative body, the important point to make legally is that it has no legal effect on its own." Implementing power rests with local zoning regulations. It does not appear that the ordinance commits the city to implementing any of the cited plans.

On the other hand there are some negative consequences of operating without an adopted plan. The interest of the federal government in planning at the local level is made very clear in the Planning and Programming section of the application for recertification of the Workable Program for Community Improvement, approved August 1, 1971. The Workable Program is very critically evaluated at the Department of Housing and Urban Development. A repeal of the recently passed ordinance would leave the community without a recently adopted master plan. This would at best, be difficult to explain and could result in delays in approval of future applications for recertification.

Applications for federal funds in the various HUD programs including the recently submitted NDP application have numerous references to the communities comprehensive plan. Further, the master plan was done in part under the "701" planning assistance program and federal funds were received. Complete rejection by the local community of the plan which was accepted by the state and federal government, might hinder future possibilities for obtaining funds for planning.

I can understand the councils reluctance to endorse the plans that have been developed to date. However, a more positive approach might be for the council to consider a resolution to the effect that planning is considered a vital and critical concern of the administration and that all plans will be critically

evaluated, updated and revised where necessary.

Respectfully submitted,

Pat Patterson

Pat Patterson
Planning Department

PP:ch

TO: Common Council
City of Bloomington
Bloomington, Indiana

FROM: Bill R. Wilson, Administrator
and Board of Parks and Recreation
City of Bloomington

The Parks and Recreation Department Board hereby requests a resolution to proceed with a Park and Recreation Bond according to the Park and Recreation Law in the amount not to exceed \$600,000.00. Attached you will find a complete outline of projects, as recommended by the Park and Recreation Comprehensive Plan of 1971, and referred to as Phase I.

It is our opinion that it is vital that we proceed as soon as possible for the following reasons:

1. Federal funds available at the present time from Bureau of Outdoor Recreation resources.
2. Rising costs that can occur for materials and workmanship.
3. The immediate need of the facilities required by the population growth in our community.
4. These improvements would up-date our need for open space and neighborhood park areas in various parts of the city.
5. Would provide recreation for adults as well as young people of the community.
6. 2% separate bonding power-may be taken away by Legislature.

The Park and Recreation Board urges you to examine the attached proposal and give it every consideration for approval.

As you will notice on the attached sheet of Recommendations for Phase I accomplishments, this takes us through Step 2 and upon your approval we will proceed with Step 3 through 12.

To: Park and Recreation Department Board
Subject: Phase I - Comprehensive Park and Recreation Plan
Date: November 29, 1971
From: Bill R. Wilson, Administrator, Parks and Recreation

I recommend that immediate consideration be given to the implementation of Phase I, of the Park and Recreation Comprehensive Plan dated August, 1971. I have given Phase I a great deal of thought and study and recommend that we begin procedures to implement that part of the plan.

Recommendations are as follows:

1. Board accepts attached recommendations as Phase I.
2. Board meets with old - new council for discussion pertaining to project.
3. Board holds open public meeting to discuss Phase I in detail.
4. Staff and Board holds informal meeting with neighborhood associations to discuss improvements that will affect the park and/or recreation facilities in this area.
5. Staff investigates and confirms Phase I projects with Federal and State agencies and identifies fundable projects and using the best percentage ratios available for each project.
6. Seek approval from the Common Council to have a bond issue for our share of the matching funds for Phase I. (According to Park and Recreation Law).
7. Interview architect for design and development.
8. Hire architect for design and development.
9. Acquire signature for Bond Issue.
10. Sale of Bonds.
11. Preparation and letting of contracts.
12. Development.

The above procedure is only a recommended guideline. If approval is given it will be re-constructed into a flow chart for further implementation.

COMPREHENSIVE PLAN
 Park & Recreation Department
 Phase I - 1972
 November 29, 1971

Projects

I. West Ninth Street

Community Center	200,000
Grading	5,000
Tot Lot	6,000
Landscape Plantings	5,000
Re-seeding	2,400
Lights	2,000

Total Development 220,400

Contingencies 10% 22,040

242,440

Engineering, Legal, Design 15% 36,366

Total Project 278,806

II. Acquisition for Southeast Area of City

20 acres @ approximately \$3500 70,000

III. Lower Cascades (Drive In Theatre Area)

Grading & demolition	3,500
Construct softball fields & lights	28,000
Construct parking lots	8,000
Restrooms and storage	12,000
Utilities	6,000
Landscape planting	5,000
Seeding	3,000

Total Development 65,500

Contingencies 10% 6,550

72,050

Engineering, Legal, Design 10,807

Total Project 82,857

IV. Park Ridge Block Park

Grading	1,200	
Tot Lot	4,000	
Retaining Wall	3,000	
Landscape Planting	2,000	
Seeding	600	
Landscape Elements (Benches, screening, etc.)	<u>300</u>	
Total Development	11,600	
Engineering Design 15%	<u>4,880</u>	
Total Project		16,480

V. Henderson Street Acquisition and Development

Grading	30,000	
L. L. Ballfields	16,000	
Fencing	2,000	
Bleachers	15,000	
Parking	16,000	
Roadway	8,000	
Landscape plantings	5,000	
Seeding	3,000	
Utility Extension	<u>10,000</u>	
Total Development	105,000	
Contingencies 10%	<u>10,500</u>	
	115,500	
Engineering, Legal, Design: 10%	<u>11,500</u>	
Total Project		127,050
Acquisition		
50 acres @ approximately \$3,000 per acre		150,000

Note:

Consideration should also be given to development of 90 ft. ball diamonds for Babe Ruth boys and lighting of the fields.

VI. Country Club Acquisition

The acquisition of the Country Club Golf Course and its supporting facilities are scheduled for the second year (1973). However, due to the possibility of its becoming available in the first year, (1972) it is being listed as part of Phase I.

Acquisition of Country Club Golf Course & Facilities \$400,000

Total Phase I Project	1,125,193
Minimum Federal Grant 50% Matching Funds	<u>362,596</u>
Maximum our share on 50% Matching Funds	562,597

In my opinion these projects can be done for less money by investigating the various Federal Grant Programs. However, the figure above is based on 50-50 matching basis. I request permission to proceed to the Council for permission to float a bond not to exceed the above figure.

Other Projects to be Considered - The following projects would be considered simultaneously with the bond issue, but worked on through community effort.

I. Trails

Acquire land and easements
Phase I - High Street to Henderson Street
Phase II - High Street to Sare Road

Contact property owners for approval of trail system

II. Crestmont Park

Work with Mr. Fulton of Redevelopment and Mr. Miller of the Housing Authority and HUD for development of Crestmont Park. Find out HUD'S responsibility toward development of this area.

III. Miller Showers Park

Work with the community and interested organization toward the development of this area with non-tax funds.

IV. Cascades Stream and Wall

Investigate possible means of constructing this wall for improvement of Cascades Park.

MEMO

TO: FRANCIS X. McCLOSKEY, Mayor

FROM: LAURENCE J. OWENS, City Attorney

SUBJECT: STATUS OF ORDINANCE NO. 7]-64
Concerning the adoption of a Master Plan for the City
of Bloomington.

It is my opinion, based on information supplied me relative to the factual situation surrounding this ordinance, that said ordinance is invalid and does not effect the adoption of a master plan for the City of Bloomington.

Your attention is drawn to Burns Statutes, Sections 53-736 through 53-744, which concern the adoption, rejection, or amendment of master plans. In a recent case the Supreme Court of Indiana has stated: "The procedure contemplated by these statutes is that the County Plan Commission [City Plan Commission] will prepare a master plan and certify it to the Board of Commissioners [City Council] who may either adopt, amend, or reject the plan. Section 53-739, supra. Under ordinary circumstances, the Plan Commission completely prepares and recommends the master plan, but the Board enacts it." Houser v. Board of Commissioners of County of DeKalb (1969) - Indiana - 247 N. E. (2d) 670 at 673.

The procedure as set forth in the statutes for adoption is generally as follows:

- 1) The Plan Commission gives notice and holds a public meeting on the plan and a proposed ordinance for its enforcement. (Burns, Section 53-737)
- 2) After public hearing, the Commission by resolution adopts the plan and recommends the ordinance to the City Council. (Burns, Section 53-738)
- 3) After adoption by the Plan Commission, the secretary of the Commission certifies a copy of the plan and delivers it to the City Council. (Burns, Section 53-739)
- 4) Upon delivery of the plan, the Council either adopts, rejects, or amends the plan. (Burns, Section 53-740, 53-741)

Applying the above procedural requirements to the factual situation as it has been explained to me, I came to the following conclusions:

- a) It is factually debatable whether the Plan Commission held a public hearing regarding adoption of a master plan, but in no case was there a proposed enforcement ordinance.
- b) According to discussions with Plan Commission members and officials, there was never any recommendation of formal adoption of a plan nor a proposed ordinance. I cannot

personally verify this as I have not searched the minutes of the Commission meetings.

c) I am unable to find a certified copy of the plan nor anyone who knows of its existence, therefore, I must assume that step 3) above was not complied with.

Because of the above conclusions, I am of the opinion that the necessary procedures for the adoption of a master plan were not followed and Ordinance 7]-64 does not effect the adoption of a master plan for the City of Bloomington, and therefore does not bind the Plan Commission or City Council in any matter.

LJO

We, the undersigned, are interested in recycling and urge the Bloomington Common Council to include a recycling program in the new garbage and trash collection contract.

NAME

ADDRESS

James Dorr	824 E. Cottage Grove
Barry M. Johnson	1212 N. Grant St. # B-11
Sharon [unclear]	[unclear] #216
Dennis [unclear]	27 E. 6th
Stephen J. Smith	305 E 12 #5
Margaret K. Adams	1007 Greenwood Ave.
Sandra Paul Wilson	63A Southshore Drive (unimproved)
D. J. [unclear]	1414 E. University
Jason Sachs	1015 N. LINCOLN #1
David E. Forman	903 S. Washington #8
Donald Bond	1414 E. University
Martha Vandewert	203 Vermont
Paul L. Blum	RR 10, BOX 21 Bloomington
Philip Reed	405 S. Washington, Bloomington
Robert [unclear]	4-5 Hooper Court, Bloomington
Marilyn Smith	527 E. 4th
Kelcey DeBree	611 N. Pers E1 city
J. Eric [unclear]	1008 W. 10 th St. City
James [unclear]	317 West [unclear] City
Jane B. [unclear]	513 E. 5th City
Max [unclear]	316 St. Grant #6 Bloomington
Ben [unclear]	527 [unclear] Bloomington
[unclear]	[unclear]

We, the undersigned, are interested in recycling and urge the Bloomington Common Council to include a recycling program in the new garbage and trash collection contract.

NAME	ADDRESS
Miss M. Dugard	605 N. Lane Apt. C-1 City
Jessie Mayhew	403 S. Jordan Bloomington
Trudy Van Doster	125 Walnut Grove Trl. Bloomington
Benjamin H. Berry Jr	801 S. Anita St Bloomington
Paul V. Edwards	716 South Woodlawn Bloomington
Ernie Challa	506 E University Ave City
John J. P. Pilon	Apt. 422 Campus View Hse Bloomington
Walter K. H. K.	Horner Ch. B-1 Bloomington
Shari Krawitz	902 S. Rogers

We, the undersigned, are interested in recycling and urge the Bloomington Common Council to include a recycling program in the new garbage and trash collection contract.

NAME

ADDRESS

J D

JAMES DOOR FOR EAST CENTRAL
NEIGHBORHOOD ASSOCIATION

Lined area for additional signatures and addresses.

We, the undersigned, are interested in recycling and urge the Bloomington Common Council to include a recycling program in the new garbage and trash collection contract.

NAME

ADDRESS

John R. Smith

315 E 15th St.

Edward J. Rulinski

2327 E 7th St.

David Harris

526 Prosser Ave #2