

In the Council Chamber of the Municipal Building, on Thursday, August 3, 1972, at 7:10 p.m., E.S.T., with Council President Charlotte T. Zietlow presiding.

REGULAR MEETING  
COMMON COUNCIL  
CITY OF BLOOMINGTON,  
INDIANA.

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

ROLL CALL

Members Absent: none.

Tim Hodenfield, Administrative Aide; Francis X. McCloskey, Mayor; James Regester, Corporate Counsel; Larry Owens, City Attorney; Marvard Clark, Assistant City Engineer; Carl Chambers, Chief of Police; Tom Crossman, Planning Director; James Wray, Director of Transportation; Martha Sims, Controller.

CITY OFFICIALS PRESENT

Approximately 100 people including members of the press.

OTHERS PRESENT

Councilman Morrison said that he was agreeable to leaving the resolution on street lighting on the table until the next Council meeting, due to the amount of business before the Council. He noted that the number of that resolution should be changed to 72-45 to straighten out a mix-up in numbering.

OLD BUSINESS

Street Lighting Resolution

Councilman Towell moved to re-open discussion on Ordinance No. 72-51 which was tabled from the meeting of July 20, 1972. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance No. 72-51  
Rezoning

Councilman Towell moved that Ordinance No. 72-51 be moved down on the agenda and be considered at the beginning of the discussion of item 13 (ordinances - second reading) to give Mr. Ramsey, one of the petitioners, time to get to the meeting. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Ackerman moved that Ordinance No. 72-53 be removed from the table and re-introduced for discussion. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance No. 72-53

Councilman De St. Croix moved to limit discussion on the animal control issue to 15 minutes. Councilman Ackerman seconded the motion. After discussion among the members of the Council, Councilman De St. Croix and Councilman Behen agreed to amend the motion to permit discussion for 25 minutes. The motion was carried by a voice vote overwhelmingly in favor of the motion.

Mr. Carlos Ortigoza presented some proposed amendments to Ordinance no. 72-53 to the Common Council.

Mr. John Ward, pet owner and employee of Mr. Stewart (in Stewart's motorcycle shop) read the following statement to the Council: (written by Michael D. Jacobson, Evanston, Illinois, who is involved in the wild pet trade and has done extensive work in wild animal breeding and keeping) "It is a gloomy day today and even gloomier tomorrow. Animals will be extinct in the wild within the next five to twenty

years despite efforts by various conservation groups, private individuals and zoos. The largest single destructive force that is eating away at our wild life is habitat disturbance - wild life in danger. Hunting, scientific research, the pet industry and other things are also making it quite difficult for an animal to survive in its natural surroundings. Therefore it is with a great deal of sadness in my heart that I admit that the vast majority of animals that are going to survive in the future are going to survive in captivity. The sad part of this story is that people in all walks of life from our government officials to our average American do not seem to realize the true nature of the very things occurring. Most people, in other words, are unwilling to accept reality, but rather would impose their idealistic beliefs that animals can possibly survive in the wild. Zoos are not the answer for all animals. They must maintain large collections of animals of all types with limited staff, shortage of funds and limited time and space available by keepers with their wards. And remember, most zoos don't handle exploited animals. Unfortunately the so-called exploited animals are the ones that need to be studied and bred. A keeper that works in one of the larger zoos cannot devote the time to any one specie of animals that is needed by the animals to find out what the animal really needs to live a long life and breed...." Mr. Ward said that Mr. Jacobson therefore concludes that through the efforts of the pet industry, zoos, private individuals and others, wild animals have a chance for survival in captivity.

Al Cuzan addressed the Council, speaking in favor of having regulations whereby individuals can own exotic or other pets as they choose.

Ms. Sidney Rigor, a member of the Board of the Humane Association, addressed the Council, noting that many of the people who have expressed support for a ban on exotic pet ownership are persons who have at one time owned such pets themselves.

Donald Shaffer addressed the Council. He said that through his contacts with university students he has found that there is enormous opposition to the ownership of exotic pets. He said that he had also talked to people who had once owned such pets and felt that it should not be permitted. He said that he wanted to set the record straight that there are a number of people in the community who have no affiliation with the Humane Association who are against ownership of exotic animals as pets.

Councilman Davis said that he felt that ordinance no. 72-53, the ordinance banning ownership and sale of exotic animals was a better ordinance and that the amendments presented to the Council by the Humane Association are useful. He said he did have some reservations about permitting snakes up to 15 feet long and he would be in favor of something smaller than that.

In response to a question from Councilman Behen, Sidney Finkel, Chairman of the Animal Control Commission, said that he and Mrs. Ferran of the Humane Association had met together after the last Council meeting to determine whether they could find some common ground so that they could come up with a consolidated ordinance. He said they failed to reach any common ground due to a basic division of philosophy in terms of prohibition vs. regulation. He said that he then suggested to Mrs. Ferran certain amendments to the total ban ordinance which would make it more acceptable to the Animal Control Commission. Mr. Finkel said that if the Council chose not to adopt the regulatory ordinance (72-52), the Commission strongly urged that the Council adopt Ordinance 72-53 as amended.

Councilman Towell said that whatever the Council chooses to do, the Council should not rule out people with legitimate, reasonable, private concerns which are not harmful to the community, and to which no one would object if the Council had not already passed something which was prohibitory on a general level.

Councilman De St. Croix said that he thought that the amendment proposed by the Humane Association which deals with granting of variances would cover the concern expressed by Councilman Towell.

Councilman De St. Croix moved that Ordinance No. 72-53 be amended according to the amendments proposed by Alice Ferran, President of the Monroe County Humane Association. Councilman Davis seconded the motion.

Councilman Towell summarized the amendments as follows: the addition of a "grandfather clause" to permit ownership of pets owned prior to passage of the ordinance; the omission of vague language in section one of the originally proposed ordinance; tightening up of restrictions on reptiles; inclusion of the severability clause. He said he felt these amendments improve the ordinance considerably.

The question was called. The motion to amend Ordinance No. 72-53 was carried by a unanimous voice vote.

Councilman De St. Croix moved that Ordinance No. 72-53 as amended be adopted. Councilman Morrison seconded the motion.

Carlos Ortigoza addressed the Council, speaking against the adoption of Ordinance no. 72-53.

Councilman Ackerman said that with a regulatory approach, the City would be working in cooperation with the pet industry to try to make sure we know exactly where these animals are in the City of Bloomington. He said that this would permit much tighter control of the situation, and enable the Animal Control Commission to establish the identity of the owner in the event that an animal runs at large. He said that with 72-52 an effort is being made to remind the owners of these pets of their responsibilities. He said that he felt that 72-53 as amended would mean that animals would be brought into the City and the City would have no way of determining who the owners are. He said that while his main concern would be for prohibition, he did not feel that a prohibitory approach would tackle the problem of responsibility of the pet owners but that a regulatory approach would.

Councilman Fix and Councilwoman Zietlow expressed the opinion that the variance provision should permit people who were really interested in owning exotic pets to do so.

Councilman De St. Croix said that even with a regulatory approach there would be no way for the City to assure owner responsibility with pets purchased outside of Bloomington, a concern expressed by Councilman Ackerman in reference to the amended ordinance 72-53. Councilman De St. Croix said that he thought that with the prohibitory ordinance, the Council would be reducing the opportunity for impulse buying of exotic pets and the problems resulting therefrom. He said that he did not think that a regulatory ordinance provides any controls that are more desirable or in fact more effective than the proposed ordinance no. 72-53 as amended.

Councilman Davis said that the most telling argument in favor of prohibition was the sheaf of letters submitted to the Council from zoo directors all over the country that indicated that after owning exotic pets for a year (at most), people were desperate to get rid of them. He said these zoo directors agreed that ownership of exotic pets should not be allowed in uncontrolled home situations.

Al Cuzan addressed the Council, speaking in favor of regulation as opposed to prohibition.

In response to a question from Linda Cuzan concerning ownership of pets under the prohibitions of ordinance no. 72-53 as amended, Councilman Fix said that he would hope that if someone was driven by a strong desire to own an exotic pet he would go to the Animal Control Commission and request a variance. Councilman Mizell said that it was his understanding that with Ordinance no.

72-53 as amended, if someone wanted very much to have an exotic pet, they could go before the Animal Control Commission and get permission to keep such a pet.

Michael Duff addressed the Council, saying he felt that the Council would be considered as progressive rather than backward in adopting prohibitory legislation.

Councilman Ackerman said that it was his understanding that the spirit of the amended ordinance no. 72-53 was such that, only in rare occasions, would variances be granted.

Councilman De St. Croix said that it should be noted that the Animal Control Commission recommended the regulatory ordinance and he felt that this spoke to the attitude of the Commission. He said it was his understanding that variances would be granted at the discretion of the Animal Control Commission. He added that he could see no reason why the Animal Control Commission would instruct someone just moving into the City with an exotic pet to get rid of the pet (or not move into Bloomington) if that person demonstrated that he had had the animal previous to moving to Bloomington and that he was able to care for it properly.

Councilman Towell said that if the Council had a specific intent in mind it should be clearly stated in the ordinance to avoid, as much as possible, creating a "political situation". He said that he assumed that the members of the Animal Control Commission would be well-informed and that he would like to avoid having appeals made to the Council - that it should be kept within the bounds of the Animal Control Commission. To that end Councilman Towell moved to amend the amended ordinance no. 72-53 to include at the end of Section V (the section dealing with allowance of variances), the following statement: "A variance shall be granted upon a recommendation of a majority of the Commission, if in the opinion of a majority of the Commission there is no threat to the health, safety, and welfare of the community of Bloomington." Councilman Ackerman seconded the motion.

The motion was carried by a unanimous voice vote.

Councilman Davis expressed the concern that the two-week provision for registration of exotic pets was too short a period of time, since it would be a one-time operation and moved that the time limit for registration be extended from two weeks to six weeks. Councilman Mizell seconded the motion.

Councilman De St. Croix spoke against the amendment saying that it would allow time for people to purchase such animals. He suggested that if a person could demonstrate that he had been on vacation, the two week deadline could be waived by the Animal Control Commission.

Councilman Ackerman spoke in favor of the six week deadline saying that the intent was not to punish people but to identify who owned pets and where the pets were in the community.

The question was called. The motion was carried by a voice vote overwhelmingly in favor of the motion.

Councilman Towell moved to amend the amended ordinance no. 72-53 by inserting a new Section VI and renumbering Sections VI and VII to become Sections VII and VIII, respectively. The new Section VI would read: "If any exotic animal is at large and must be chased by the Animal Control Commission personnel or their agents, the owner shall be assessed the cost of such pursuit by the Animal Control Commission." Councilman Ackerman seconded the motion.

In response to a question from Councilman Davis, Councilman Towell said that insertion of the term "captured" would presuppose that the animal could be captured and would leave the animal control commission without recourse in the event that an animal is pursued but not captured.

The question was called and the amendment was passed by a unanimous voice vote.

Councilman De St. Croix moved that Ordinance 72-53 as amended be approved as further amended. The motion was seconded by Councilman Morrison. The motion was carried by a Roll Call Vote of Ayes 9, Nays 0.

In response to a question from Councilman Ackerman, Mr. Finkel said that he was under the impression that the ordinance said animals should be registered with the Animal Control Commission or its agent. He said that the contractual agent of the Animal Control Commission is currently the Monroe County Humane Association and that the registration should take place at the Animal Shelter on South 37. The Council noted that the ordinance did not so read and asked the press to make this information available to the general public.

Councilman De St. Croix moved that the minutes of the meeting of July 20, 1972, be approved as submitted. The motion was seconded by Councilman Morrison and carried by a unanimous voice vote.

MINUTES

Councilman De St. Croix moved that the minutes of the meeting of July 26, 1972 be approved as submitted. The motion was seconded by Councilman Morrison and carried by a unanimous voice vote.

None.

EXAMINATION OF CLAIMS

None.

MESSAGE FROM THE MAYOR

None.

PETITIONS AND COMMUNICATIONS

Tom Crossman, Planning Director, addressed the Council concerning the activities of the planning department and the planning commission from January 1, 1972, to the present. He said that 36 separate petitions have been brought to the planning commission, involving 38 separate decisions; of these 3 are still pending, 4 have been withdrawn or discontinued, 2 required no action (were simply requests for discussion), 6 were denied and 23 were approved. Of those petitions which involved residential developments, the planning commission approved petitions for a total of 2117 multi-family units, a total of 36 multi-family units have been denied by the planning commission. The plan commission has approved petitions for a total of 672 single family units; none have been denied. Petitions pending before the plan commission are for 122 multi family units and for 146 single family units.

REPORTS FROM CITY OFFICIALS AND DEPARTMENT HEADS

Tom Crossman,  
Planning Director

In response to a question from Councilman Mizell, Mr. Crossman said that he had just given these figures to the engineering department and they had not had time to figure out what the increase in the construction and the assessed value for the City will be from these 2789 units which have been approved by the plan commission.

In response to a question from Mr. Rector of the Ralph Rogers Co., Mr. Crossman said that the zoning appeals board had denied a total of 120 units. (An additional 190 had been denied but the board later reversed itself and approved these 190 units.) This leaves a total of 2669 units which have permission to be built.

In response to a request from Councilman Morrison, Mr. Crossman said that he would prepare a supplement to this report for the Council on how many of these new units will be inside the corporate limits of the City.

Councilman Mizell announced that the plan commission does now have liaison with the school corporation. The school corporation has appointed the administrative aide to the superintendent to the technical advisory subcommittee of the plan commission. He said that Mr. Crossman has finished the revisions of the new zoning ordinance and the plan commission has scheduled a meeting August 8 to review the final draft of the zoning ordinance. The commission also has a meeting scheduled for August 9 to tend to the final review of the land use map. After these are approved by the commission in its working sessions, they will be prepared for public hearing as soon as possible. Councilman Mizell said that the date depended on making corrections in the land use map and having the zoning ordinance printed for public distribution; but that the hearings would be held, hopefully, the beginning of September.

REPORTS FROM OFFICIAL  
BOARDS AND COMMISSIONS

Plan Commission

Geoff Grodner, Administrative Aide to the Board of Public Works presented the following memo to the Council:

To: Common Council                      Subject: Cumulative Capital Improvement Fund

From: Board of Public Works              Date: August 3, 1972

The Board of Public Works now has the figures the Council requested concerning the Cumulative Capital Improvement Fund. There was \$120,000.00 appropriated for this year in this fund, of which approximately \$4,500.00 has been spent to date.

The Board of Public Works faces the necessity of instituting two construction and repair projects. The first is the rewiring of the Police Department, including a few minor structural alterations, to bring the building up to acceptable Fire Code standards. The estimate for this project is \$6,400.

The second project is the building of the second story lounge and kitchen for the Fourth Street Fire station. Chief Gose has informed the Board that the Council has given their approval of the project. The firemen have volunteered to do the construction work themselves, as many of them are professional carpenters also. The cost of materials for this project will be approximately \$10,000. Both of these projects will be let out for bids. (the Board of Public Works will let bids for the materials only on the Fire Department project).

Finally, as you are probably aware, there has been a great deal of remodeling undertaken in the Municipal Building in order to utilize the Building space more efficiently. The outstanding bills due on this project are approximately \$3,000, most of which is due Utilities for the contract under which the labor for this project was supplied.

The Board of Public Works respectfully requests the Common Council's concurrence for these necessary expenditures from the Cumulative Capital Improvement Fund. It should be noted, that the necessary monies are presently budgeted in the proper line items within the Cumulative Capital Improvement Fund budget, and the total proposed expenditures of just under \$20,000 can be made without any formal money transfers or appropriations.

Councilman De St. Croix moved that the Council concur in the \$19,400.00 expenditures proposed by the Board of Public Works from the cumulative capital improvement fund. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Behen said that he thought the Board of Public Works should be complimented on their pursuit of this problem, particularly in light of the power failures and problems at the fire station where the firemen spend a lot of their time. Council President Zietlow asked Mr. Grodner to convey to the Board of Public Works this vote of confidence from the Council.

None

REPORTS FROM STANDING COMMITTEES

None

REPORTS FROM SPECIAL COMMITTEES

Councilman De St. Croix announced that the next scheduled meeting of the Manpower and Employment Task Force will be Tuesday, August 8, at 7:30 p.m., in the planning conference room.

MESSAGES FROM COUNCILMEMBERS

Manpower Task Force

Councilman Towell said that though the Housing Committee has not met, work has gone on on a landlord-tenant ordinance and that considerable progress has been made. He expected that a reasonable draft would be ready in early September and the Committee would then meet to consider the draft and hold public hearings before making a report to the Council.

Housing Committee

Councilman Morrison moved that resolution no. 72-44 be introduced and read by the Clerk. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

RESOLUTIONS

No. 72-44 Transfer of Funds

Tim Hodenfield read Resolution No. 72-44 in the absence of the City Clerk.

In response to a question from Councilman Behen, Geoff Grodner said that the transfer into subscriptions is to pay for the updating and upkeep of the law library purchased from Indiana State University.

Mr. Crossman said that the transfer of funds in the planning department was to make some of its surplus funds available to help pay the telephone bills for the City as a whole.

The question was called. Resolution No. 72-44 was approved by a Roll Call vote of Ayes 9, Nays 0.

Ordinance No. 72-51 was re-introduced for Council consideration. Council President Zietlow noted that a motion was on the floor for adoption of Ordinance No. 72-51 from the previous meeting.

ORDINANCES - SECOND READING

Ordinance No. 72-51

Mr. Ramsey, one of the petitioners, said he was willing to buy the property in question with a deed restriction to the effect that for 10 years the building would have to be used as is - that is, the outside of the building could not be modified, though internal alterations could be made to provide four apartment



units. In the eventuality that the neighborhood was rezoned to R-3, the deed restriction would then no longer be applicable and the property could be used as the surrounding properties. Mr. Ramsey said that if this was agreeable to the Council, he would purchase the property under this deed restriction.

Councilman Towell said that that condition would make him vote for the rezoning but that he would like to see the conditional or final contract executed before the Council votes.

Councilman De St. Croix asked whether the ordinance could be amended to include this restriction so that the Council could act on the ordinance at this meeting.

In response to a comment made by Councilman Behen, Councilman Towell said that he did not doubt that Mr. Ramsey would keep his work if the Council approved the ordinance with only an informal agreement but that he wanted to establish the precedence in city business that agreements relevant to zoning be enacted before the rezoning vote is taken. He cited the case of the VW dealership on Third Street which gets its utilities through a contractor because they do not have a certificate of occupancy, because they have not met the conditions of the rezoning of the property; he also noted the landscaping of K-Mart which has never happened.

Councilman Towell said that he was willing for an informal poll of the Council to be taken so that each Council member will have made a public "vote" on the question of this rezoning petition. He said that he would be willing to accept either the actual purchase of the property with the restriction written into the deed or a conditional-upon-rezoning sales contract with this restriction written into it. But, Councilman Towell said, he did not feel that the Council should take final action until they can be assured that the deed restriction would be made and would be legally binding.

Mr. Ramsey said that he would accept an unofficial poll of the Council as an indication of the action the Council would take when he brought the necessary deed or contract back to the Council.

Councilman Davis said that he was concerned about the consequences of having the deed restriction set for ten years if at the end of ten years the neighborhood did not change. He wondered whether this would then create a spot-zoning situation. Councilman Mizell suggested that the deed restriction include provision that if at the end of the ten year period, the neighborhood has not changed and the use surrounding this parcel be the same, that this parcel revert back to the R-1 zoning. Councilman Mizell said that he also thought there should be a provision that if the zoning of the surrounding area is changed from R-1 to R-3, the deed restriction should be removed. (Councilman Mizell noted that one problem the planning commission had found itself faced with was that a non-conforming use could be allowed to continue in some instances, though structural changes could not be made.)

At the request of Councilman Towell, an unofficial poll of the Council was taken on the question of approving the rezoning request with the deed restriction concerning alteration of the exterior of the building and use of the property. The results of the unofficial poll are as follows: Ayes 9, Nays 0.

Council President Zietlow told Mr. Ramsey that the Council has given him an indication that they will pass the rezoning request when he brings the Council the deed restriction.

Councilman Davis moved that Ordinance No. 72-51 be tabled. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.



Councilman Morrison moved that ordinance no. 72-36 be introduced and read by the Clerk by title only. The motion was seconded by Councilman De St. Croix and carried by a unanimous voice vote. Ordinance No. 72-36 Annexation Ordinance

In the absence of the City Clerk, Tim Hodenfield read ordinance no. 72-36 by title only.

Councilman De St. Croix moved that Ordinance No. 72-36 be adopted. Councilman Towell seconded the motion. Larry Owens, City Attorney, explained to the Council that this is a voluntary annexation; it is the Dragon Inn restaurant on North 37.

The question was called. The motion was carried by a Roll Call Vote of Ayes 9, Nays 0.

Councilman Morrison moved that Additional Appropriations Ordinance No. 72-4 be introduced and read by the Clerk by title only. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote. Additional Appropriation Ordinance NO. 72-4

In the absence of the City Clerk, Tim Hodenfield read additional appropriations ordinance no. 72-4 by title only.

Councilman Morrison moved that Appropriations Ordinance no. 72-4 be adopted. Councilman De St. Croix seconded the motion.

The ordinance was adopted by a Roll Call Vote of Ayes 9, Nays 0.

Councilman Morrison moved that Annexation Ordinance no. 72-54 be introduced and read by the clerk by title only. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote. Ordinance No. 72-54

In the absence of the City Clerk, Tim Hodenfield read Annexation Ordinance No. 72-54 by title only.

Councilman Morrison moved that Ordinance no. 72-54 be adopted. Councilman De St. Croix seconded the motion.

Larry Owens explained that this is the proposed site of the American Legion and it is a voluntary annexation.

The question was called. The ordinance no. 72-54 was adopted by a Roll Call vote of Ayes 9, Nays 0.

Councilman Morrison moved that ordinance no. 72-55 be introduced and read by the Clerk by title only. The motion was seconded by Councilman De St. Croix and carried by a unanimous voice vote. Ordinance no. 72-55

In the absence of the City Clerk, Tim Hodenfield read Ordinance No. 72-55 by title only.

Councilman Morrison moved that Ordinance No. 72-55 be adopted. Councilman De St. Croix seconded the motion.

Mr. Crossman, Planning Director, explained that this is the rezoning of property on 10th Street from R-1 to R-3 requested for 312 apartment units. He said that the plan commission had approved the petition and was now passing it on to Council for council action. He said that the recommendation of the planning staff was affirmative; the staff report noted that the traffic problem had not been substantially solved but put some faith in the state highway department's comment that if Bloomington adopted a major thoroughfare plan, the highway department would abide by it. He said the planning staff also considered the provision of sewage treatment facilities and the staff had received assurance that adequate sewage treatment was available in the area. The staff also considered the unique location of the property in that it is immediately adjacent to an existing apartment project and is surrounded on other sides by natural physical boundaries wherein we felt we had a viable and logical zoning line that we could adhere to in the future. Mr. Crossman said that for these reasons the staff recommended to the plan commission that the rezoning be approved and the plan commission is recommending approval to the Council.

Geoff Grodner, administrative assistant to the Board of Public Works, addressed the Council. He read the following letter to the Council, noting that the letter had been received from Howard Young, today, August 3, 1972:

2300 N. Fritz Drive  
Bloomington, Indiana 47401

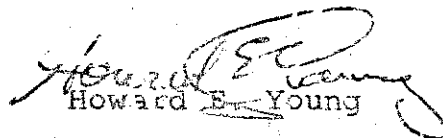
Mary Lou Brown, President  
Board of Public Works  
P. O. Box 100  
Municipal Building  
Bloomington, Indiana 47401

Dear Mrs. Brown:

I hereby affirm my agreement with the Board of Public Works of the City of Bloomington, Indiana of January 6, 1966 to wit: upon receipt of 38% of the construction costs for the Meadow-park sewage lift station and sewer mains, adjusted to compensate for hook-on fees previously received by me, I will convey to the City of Bloomington ownership and rights of control to said mains and lift station.

Thank you for your consideration in this matter.

Sincerely,

  
Howard E. Young

HEW/gg

Mr. Grodner said that the Board has received the certified costs from Mr. Young for the mains and the lift station. He said the engineering department is presently reviewing these costs, to determine just what the City owes Mr. Young to take over the mains and the lift station. Mr. Grodner said that this lift station (without doing any work on it) probably presently has the capacity to receive Grandview Hills and Eastern Heights sewage as laid out in the 50/50 sewer program which is being carried out in those subdivisions. He said that the lift station definitely has the capacity to receive these two subdivisions with some minor alterations on its structure and facilities. By pumping sewage down through the Daisy Garton land or the lift station, Mr. Grodner said there is definitely capacity to handle the two subdivisions, all existing users of the system and the proposed Fountain Park II development.

Mr. Grodner reported that George Walkenshaw, Director of Utilities, is fairly sure that without any modifications, the lift station can handle the two subdivisions. But Mr. Walkenshaw said that he will not know for sure just what the capacity of the station is until he can put city equipment and meters in. He said that this should not be done until the City has ownership of the lift station and mains to avoid any problems of damage and liability.

In response to a question from Councilman Towell, Mr. Grodner said that even if 38% of the capacity is not now available, the existing system can handle the two subdivisions.

Councilman Mizell said that it was his understanding at the Board of Public Works meeting on August 1, 1972, that Mr. Walkenshaw said he did not have enough information available to enable him to make a determination as to the present use and maximum capacity of the mains and lift station. Mr. Grodner said that Mr. Walkenshaw has been able to do a little more analysis of the situation since that time.

Councilman Fix said that he was concerned about locking out any further development east of this property. He suggested that it might make more sense to take some of this sewage down through the Garton property rather than at some future date forcing properties east of this to cross the sewer line and then proceed through the Garton property.

Councilman Mizell said that the plan commission has before it a renewal of the University Hills petition for 688 units which had been turned down twice in the past by previous plan commissions because of lack of adequate sewer facilities, water facilities and roadway. He asked how the Board of Works would propose to handle this type of petition.

Geoff Grodner said that the University Hills land was further east and would be at such a density and such a larger trace of land that, at this time, it would present serious problems and be extremely costly for the Board to consider developing that land from a sewage standpoint.

In response to a question from Councilman Mizell, Mr. David Rogers, member of the Board of Public Works, said that the Board has made no commitment to Howard Young nor, as a practical matter, is there sewer capacity for the development of either the Leon Young property or the University Hills without further modification of the system. Mr. Rogers said that, as the Board understands it, the basic capacity of the sewage system is certainly sufficient to complete the hook ons and completion of the two recently annexed subdivisions. Mr. Rogers said that according to the figures submitted by Mr. Howard Young's engineers, there is probably capacity for Fountain Park II, but that there is probably not capacity for any additional development along East 10th Street. He said that as far as the Board of Works is concerned, the Board does not know for sure what will have to be done to assure capacity for Fountain Park II; the City utilities department will not be able to make that determination until they have had an opportunity to meter the flow through the lift station. Mr. Rogers said that it is the tentative belief of the utilities engineer that there is capacity, with some inexpensive modifications. He said it was the feeling of the Board that the cost of any modification needed to handle Fountain Park II must be paid for by Mr. Howard Young. Mr. Rogers said that the utilities department is working on trying to solve the problem of providing sewer service for the proposed development of the Leon Young property and University Hills. He said this would probably involve additional mains to the north system and/or added systems through the Garton land to the south. He said the Garton land could be served by the development of sewer systems to the south under the railroad.

In response to questions from Councilman Mizell and Councilman De St. Croix, Mr. Rogers said that if there is no additional unused capacity left after the two subdivisions have been hitched on to the sewer system, any modifications required for Fountain Park to hitch on would have to be paid for by the developer. He added

that if after the two subdivisions are connected to the system, the only possible way for further development to be handled would be to wait until a new main was added to the north station or a major change through the Daisy Carton property, Fountain Park II would just have to wait.

Councilman Fix said that he was concerned with the possibility of cutting off the opportunity for development of the potentially beautiful home sites that are located east of the area in question. Mr. Rogers said that there is little likelihood of the investment in the sewer system that would be necessary for single family development of any of these sites until there is a complete overhaul of that sewage system.

In response to a question from Councilman Mizell, Mr. Rogers said that the Board of Works recognizes that the present sewage system is inadequate and temporary for the development of 10th street and that even the construction of the grade school will not happen with the present sewer system. He said that even holding in reserve whatever capacity remains after Grandview Hills and Eastern Heights have been connected, will not permit large single-family developments in the area. He added that such a complete overhaul of the system is coming.

Mr. Rogers said that the prospects for sewer expansion in Bloomington are very good in the next three to four years. They simply await projection of the future growth of Bloomington; an assurance that the City is going to grow and that our sewer system must be expanded to match that growth.

In response to a question from Councilman Mizell, Mr. Rogers said that the comprehensive engineering plan will not be ready in September (when the comprehensive land use plan will be ready).

Mr. Rogers said that the consulting engineers working on the utilities problems have not been hired on a contract basis for a specific project, rather they have been working on "emergencies". He said that the Board has informally indicated to the State Board of Health that they will engage engineers for a more certain long-term solution to the south treatment plant, and undoubtedly a part of that solution will be further diversion to the North which would then open other areas to the north for development.

In response to a question from Councilman Mizell, Mr. Rogers said that he did think it was logical that the consulting engineers who would be designing the sewer system for the City would want to see a copy of the comprehensive land use plan for the City.

Geoff Grodner spoke to the question of what can happen with the sewage if this area continues to develop. He said that if development exceeds the capacity of existing lines some method will have to be worked out for taking sewage to the north treatment plant. He said that it was originally thought that the solution would be to take it up to the Griffy Reservoir Basin on a five-mile line but this would be prohibitive from the standpoint of costs. He said it has been determined that it could be handled by running a line down 10th street and across and up to 17th to the interceptor plant at 17th and Dunn; this would be in the neighborhood of \$200,000 to \$300,000 and could be accomplished over the next three or four years if development warrants.

In response to a question from Councilman Fix, Mr. Rogers said that if the Carton line becomes a reality, it would be feasible to divert Fountain Park to it and then hook other areas onto the lines eased up by such a diversion.

Councilman Fix expressed the concern that the allocation of existing sewer capacities could be handled in such a way as to effectively lock out single-family development to the northeast of the City. He said that he doubted that it would ever be economically feasible to install new mains to service an area with the low-density of single-family homes. He noted that one result of this would be to prohibit the development of single-family homes while the planners have recommended that this area should be single family homes.

Councilman Mizell explained that with the planned unit development concept, it would be possible for a developer to increase the density of an area, within the overall plan for the area, which could then make it economically feasible to service areas which under the non-planned unit development system would never achieve a density compatible with the economics of sewer installation.

Mr. Rogers said that he thought that perhaps Councilman Fix was wrong about the possibilities for development on 10th Street. Councilman Fix said that while that may be true he did not think that the possibility for single-family development should be foreclosed by a decision related to sewer capacity. He expressed concern that the sewer capacity should be amenable to development choices, rather than serving as a limiting factor on development choices.

Councilman Fix also noted that he was not sure there is, at present, not sufficient capacity to permit single-family development to the northeast of the City.

Mr. Rogers told the Council that the Board of Works was essentially saying that they will not overload the sewer system - they will not approve any petitions for hook ons, unless there is sufficient capacity in the system.

In response to a question from Councilman Mizell, Mr. Rogers said that the State Stream Pollution Board has not cited Bloomington, it has warned Bloomington about overloading the South Treatment Plant and is currently satisfied with the steps the City is taking to alleviate the matter, with the assurance from the sewer officials that Bloomington will also undertake engineering works for a major overhaul of the South System.

In response to a question from Councilman Towell, Mr. Rogers said that the two main points which seem to have satisfied the state engineers are 1) the diversion of the central interceptor that comes through the City and pumping it back up to the north; and 2) certain mechanical and technical engineering changes that are being made in the south treatment plant. He said that the Bloomington engineers are working with the engineers of the State department of health and apparently satisfactorily so, to give us a 3 to 4 year respite while we work on a major change in the south sewer treatment system.

In response to a question from Councilman Towell, Geoff Grodner said that the new pumping station should be completed in February of 1973.

Councilman Towell asked for clarification of a conversation he had had with Mr. Howard Young and other citizen members of a study committee, during which Mr. Young said that since the City had not lived up to its agreement with him concerning taking over the lift station by that time (the latter part of 1971), he saw no reason for bringing Meadow Park into the City. Geoff Grodner explained that the nature of the agreement the City made with Mr. Young was that the City would take over the pumping station at such time as it would be used for development over and above the development built by Mr. Young. Mr. Grodner explained that the City did not feel it should assume control of the mains and lift station while it was only being used for the development built by the developer. He noted that it was only recently that the City has been able to make arrangements to provide sewer service to Grandview Hills, thereby enabling the City to act on the agreement made for the City to assume control of Howard Young's lift station. Mr. Grodner said that as far as he understood the situation, the City had upheld its end of the agreement.

Councilman Towell said that he was concerned about industrial and other income-producing properties that remain outside of the City and wanted to ascertain whether the City had been at fault on this issue or not.

Councilman Mizell restated his concern that there might be a case of discrimination against University Hills. He noted that since

1966, they have petitioned the plan commission twice and in both cases they were turned down because there was not sufficient sewer lines available to handle that type of development. Councilman Mizell noted that University Hills planned to develop a total of 688 units and that Fountain Park I and the proposed extension of Fountain Park II total 700 units.

Councilman Mizell said that he would like an answer to the question of why Fountain Park is a desirable user of the sewer rather than University Hills. Geoff Grodner said that he did not think that was a question the Board of Works could answer. He said the Board has not yet approached the question of Fountain Park II as a user of the system officially. He said the Board has some ideas now but will have a better idea of the situation once the City takes over the lift station. In reference to the usage of University Hills, Geoff Grodner said that if that is rezoned to R-3 and they come to the Board before Fountain Park they would be given the same consideration.

In response to a question from Councilman Towell, Geoff Grodner said that lack of agreement on the lift station has not been a reason for delay. Mr. Grodner said that the Board may have been a little remiss in not moving faster since they took office in January and that there have been some problems in terms of the concern of some individuals over the maintenance of the lift station.

Councilman Fix expressed concern over the Council's having to take immediate action and suggested that perhaps the Council should delay action until further information on the proposed land use map for the City is available.

Geoff Grodner asked the Council whether they thought that the Board of Works should act on proposed water and sewer hook ups before the land is zoned appropriately or should the water and sewer decisions be made after the zoning decisions. Councilman Fix said that the Council was trying to determine which alternative plans of action were feasible.

Councilman Towell said that he was also concerned about sidewalks for the proposed extension of Fountain Park and the by-pass area. He said he was concerned that this should be worked out prior to any formal approval. He noted that arrangements of this sort could be made conditional upon rezoning whereas the Council could not make their decision on rezoning conditional on anything.

Mr. Frank A. Barnhart, attorney for Mr. Howard E. Young, addressed the Council. He said that according to the original construction specifications (figures which have been verified by Mr. Young's engineer), the lift station is presently serving 600 living units with a capacity of 350 gallons per minute. He said that the structure was designed for 700 gallons per minute and the electrical system was designed so that it could be modified at modest cost to bring the total capacity up to the structural capacity of 700 gallons per minute. Mr. Young's engineer determined that to serve 1200 living units (307 Meadow Park, 344 Fountain Park I, 312 Fountain Park II, 195 single family units), a total capacity of 600 gallons per minute would be needed. This would leave an excess capacity of 100 gallons per minute, after the minor electrical modifications are made.

Councilman Mizell said that at the August 1, 1972 Board of Works meeting, Mr. Walkenshaw said that he had the information submitted by Mr. Young's engineers but that he had no way of knowing whether that information was correct or not, until he is able to install his own equipment and determine what the capacity of the lift station is. Councilman Mizell noted that between that Board meeting and the present Council meeting, Mr. Walkenshaw has not had a chance to install the equipment and thus make a determination on the capacity of the lift stations.

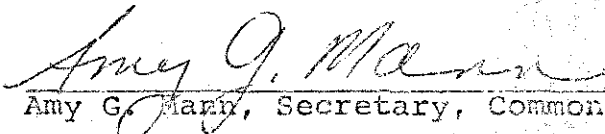
Mr. Barnhart noted that on several occasions during the past week, Mr. Young has provided information requested by the Board of Works and other bodies within 24 hours of that request. He pointed out the physical amenities of Mr. Young's existing apartment units and said that Mr. Young was willing to cooperate with the City on

ADDITION to the Minutes of the Common Council Meeting  
of August 3, 1972.

The following paragraph was inadvertently omitted and should  
be included between the first and second paragraphs on page  
15 of the minutes as originally typed:

In reference to a letter from Mr. Hanna describing the County's  
attitude toward the intersection of Smith Road and 10th Street  
(the letter was submitted to the Plan Commission), Mr. Barnhart  
said that there has been a recent development: Mr. Young has  
negotiated an acquisition of conditioned right-of-way at this  
intersection and Mr. Young is prepared to turn this over to the  
appropriate governmental body. This would permit the squaring  
of the intersection by 100 feet more or less to the West, thereby  
squaring the intersection instead of having a 45 degree  
intersection as it is now.

ATTEST:

  
Amy G. Marx, Secretary, Common Council



on sidewalk construction. He said that Mr. Young was willing to put in sidewalks himself or to provide the funds and cooperate with the City in a program for sidewalks covering an area larger than just his apartments. He noted that additional right-of-way for east 10th street and for Rifle Range road has been made available. Mr. Barnhart presented a number of documents to the Council which are appended to these minutes, and a 30-page petition bearing 522 signatures. The petition reads as follows: "The undersigned hereby support the petition for Howard E. Young to rezone from R-1 to R-3 the eighteen (18) acres of land east of Fountain Park Apartments."

Mr. Barnhart submitted a letter from Max S. Ferree, Fire Chief, Van Buren Township, which is also appended to these minutes.

Mr. Barnhart spoke to the issue of zoning involved in the petition. He said that the natural gully located east and slightly north of the Proposed Fountain Park II development is a more logical zoning break than the middle of the field which is where it would be if the rezoning is denied.

Mr. Barnhart introduced the following people, speaking in favor of the proposed addition to Fountain Park apartments:

Mrs. Betty Wampler, 667 Grandview Drive. She said that she feels the apartments should be permitted and that she was not concerned about the traffic problem, that it has always been there and the residents of the area created it.

Mr. Lowell Deykes, 4225 Stephens Drive, said that he did not feel that there was a traffic problem to be concerned about and that he had no complaints about Howard Young's apartments as a neighbor.

Mr. Grier Werner, 4227 Hector Drive, addressed the Council. He said he thought the problem that does exist with traffic is primarily a Sunday problem and is related to traffic to and from Lake Lemon.

Mr. Charles Stroh, Executive Vice President, Bloomington Chamber of Commerce, addressed the Council. He said that it has been estimated that for each 100 jobs directly involved in construction of a project in a community, there are about 4 jobs indirectly affected. So that if we use the figure of about 120 jobs connected with Mr. Young's projects, and use the ripple effect throughout the community, we're talking in the neighborhood of 600 jobs. The Chamber urges the Council to consider this and similar projects on its merits, on the advice of the City Planner, and on the basis of total community development progress and not out of a sense of pressure. Mr. Stroh closed his remarks by saying that the course of stagnation is the only alternative to approval of this project. (Note from the secretary: These figures are exactly as they were presented by Mr. Stroh during the Council meeting. If they are incorrect it is because they were incorrectly presented and is not due to a transcription error. I listened to that portion of the tape four times to verify the figures.)

In response to a question from Councilman Towell, Mr. Stroh said that if this and similar projects are turned down in the future, this would be a definite indication of a process of stagnation for the City of Bloomington.

Councilman Towell said that he thought the Council should act on the merits of this specific project and that to talk generally of progress or business was going beyond that.

Mr. Barnhart said that the proposed cost of this project is \$3.6 million and that the expected assessed valuation is about \$1 million. He said that he estimated that with a tax increase of \$1.00 or even \$0.50, that this project, without any publicly owned roads, sewers or water lines within the project, would pay in the neighborhood of \$120,000 per year property tax. He said that this project would be supporting the community, in contrast with some other, less dense, projects which are not even self-supporting, having roads and sewer and water lines which must be maintained by the City.

Mr. Barnhart said that the traffic situation on East Tenth Street is not unique; it is less of a problem situation than is true of other arteries in the community. He said that if the traffic argument was used as a basis for voting against the project, then it would be grounds for voting against every other project, just as the argument on potentially high tax revenue could be improperly used as grounds for voting in favor of every project.

Harold Lindman spoke against the proposed rezoning. He said that, in his opinion, any reasonable estimate of traffic count, would put the number of cars per day on east tenth street at 15,000 to 20,000 per day by the time the proposed expansion of Fountain Park is completed. He noted that this was higher than the figures prepared by the City's planning department. He said that the traffic problem on 10th street could not be compared with either Rogers or Third Street. He said that 10th street is narrow and is recognized as being narrow for a two-lane road by the State officials. He said further than 10th street is hilly and curvy and dangerous for children.

Mr. Lindman said that there are traffic problems all over Bloomington because Bloomington has had spot zoning in the past and not real planning. He said that the residents of Grandview Hills and Eastern Heights attending the meeting were asking for the real planning that was promised during the campaign last fall.

Mr. Lindman said that Mr. Crossman's statements that an agreement had been reached by the utilities department and Mr. Young regarding the sewers, and that these sewers would be adequate had been contradicted by the Board of Public Works at its meeting of August 1, 1972. He said that now the Board of Works recommendation was before the Council too late for the residents of the area to examine them and containing no facts for them to look at.

Mr. Lindman said that in his opinion the letter from Mr. Howard Young to the Board of Works says absolutely nothing other than the fact that Mr. Young agrees to stick to the agreement he made in 1965.

Mr. Lindman said that though Mr. Rogers said earlier in the meeting that no permission had been given Mr. Young to hook on the Leon Young property, he, Mr. Lindman, had been told by Mary Lou Brown in the spring (and it had also been reported in the paper) that permission had been given for Mr. Young to hook on the Leon Young property.

Mr. Lindman said that a report he saw concerning the capacity of the lift station said that the present Fountain Park project would increase capacity to 390 gallons per minute and contained a recommendation that the lift station be very carefully watched.

He said that while it is true that, if sewer capacity is not found for Fountain Park II, Fountain Park II would not be built, but that the rezoning from R-1 to R-3 would remain in force for possible future development of high density.

Mr. Lindman said that a report written by Mr. Tom Crossman stated that this rezoning fits into the Bloomington General Plan. Mr. Lindman said that the present zoning map for Bloomington lists this area as R-1 which is why the rezoning request is before the Council. He said that new zoning maps are being prepared and that he has been told that two different committees working on them have both recommended that the land remain R-1 in the new zoning map. He added that he understands there is a J., J. and R. report which also suggests the R-1 zoning remain. Mr. Lindman said that he did not think that, at present, there is a General Plan for the City of Bloomington.

Mr. Lindman questioned whether Bloomington needs more apartment buildings, noting that 1700 apartments have been approved without Fountain Park II. He noted that there are about 34 acres across the street from this project which are already zoned R-3. He said that the prices and policies of Mr. Young's apartments will keep them out of the reach of the poor and of people with large families; he said that as he understood the University is having trouble filling the dorms and apartments and little or no growth in the University is projected.

Mr. Lindman said that the residents <sup>were not</sup> opposed to the progress of (or further development in) Bloomington, that they requested that this petition and the rezoning ordinance be considered in light of the new plan that is to be ready in September. He said that he thought the concept of planned unit development which is part of the new plan would be ideal for this particular area.

Mrs. Marie Harlan addressed the Council. She said that her concern with traffic was not one of convenience but of safety. She said she contacted Mr. Rucker of the state highway maintenance divisions in Seymour, Indiana, and was told that a contract had been let in June for work on state highway 45; that the contract was let because of the slippery condition when the road is wet and because of the lumpy nature of the road due to frequent patching. She said that Mr. Rucker said the contract did not call for an improvement of the road although this is the inference given at a plan commission meeting. Mr. Rucker said that the contract was a "sub-standard maintenance contract" calling for 1 and 1/2 inches of hot asphalt to cover the 18-foot roadway and crushed gravel for the shoulders. She said Mr. Rucker called it "sub-standard" because there is only 18" on shoulder on each side when there should be 24 to 36.

She said that she spoke with Mr. Frick, Assistant to Mr. Ames, of the Highway Commission in Indianapolis, on July 31, 1972. Mr. Frick said that the State was already concerned with state route 45 and that they were looking for a thoroughfare plan from Bloomington that will show that the City has a commitment to planning. She said that if the City's thoroughfare plan is completed in 1974, as Mr. Crossman has indicated, it will go to the State biennial statutory construction plan (which meets once a year in July) in July 1975. She said that Mr. Frick says that the time for major improvements is 6 or 7 years from the time they are put into the program, thus it would be 1981 or 1982 before we can expect to see improvement in state route 45.

Mrs. Harlan said that Mr. Frick said that \$7 million a year is available for all the roads in Bloomington, on a 50/50 federal-state split. Since state route 45 is a secondary road, it is subject to a low level of funding which means that about \$1 million is spent on this type of road a year.

She said that when she asked Mr. Frick about the possibility of receiving more money faster if they created a situation of major congestion on the road, he said that this was not what had happened with Third Street, that Third Street work was done with TOPICS money. Mr. Frick said that he was saying it would be 1980 or 1981 before the State could do anything with East Tenth Street, regardless of how "gummed up" it is, if the thoroughfare plan goes through and there is money in 1980 or 1981 to take care of it. She added that Mr. Frick said that \$1 million per mile of uneventful construction (not improvement) was a very conservative figure.

Albert Ruesink, 2605 E. 5th Street, addressed the Council, speaking as president of CONTACT (Citizens Organized to Promote Area Planning). He said that the steering committee of CONTACT met a week ago and asked him to prepare a statement opposing the rezoning to present to the Common Council. He said that many of his points had been touched on already and limited himself to a point not previously mentioned. He said that CONTACT is concerned that development in the City of Bloomington should follow guidelines developed by groups of citizens and professionals working together. He said CONTACT felt that the past procedure of development following developers should be changed and that the City should determine where development should occur, make available the necessary services and that then, most likely developers would find a way to locate their developments in these areas.

Mrs. Norma Bristow, a resident of Grandview Hills, addressed the Council. She said that the school board surveyed east tenth street and determined that it was a dangerous road and decided to provide busing for the children in the area eventhough it is within the mile and a half limit, within which high school and junior high students are supposed to walk to school. She said that when Stone Belt School for the Retarded was built it was decided that they could not have any access from 10th Street to the School due to the condition of the road, eventhough these are children who would not walk but would be brought to school by bus anyway.

Katharine Nugent, Grandview Hills, addressed the Council. She said that she felt that walking or bicycling along 10th Street was not at all safe and noted that her son had been hit by a truck on 10th Street, though not seriously injured. She expressed concern that something be done about the traffic situation before someone is killed or seriously injured. She felt that the increased traffic on 10th street from the expansion of the Fountain Park project would make the situation even more hazardous than it already is and would box the subdivisions in to having to rely on automobile transportation only.

Mr. Lindman re-addressed the Council. He said that if it was possible to provide sewers for 300 more apartments, he did not understand why it would not be possible to provide sewers for 300 more single-family homes.

Mr. Rick Rector of the Ralph Rogers Construction Co. addressed the Council. He said that his company has the contract to resurface east 10th street. He said that the 18" shoulders on either side are to be asphalt, not crushed stone as previously stated. He said that his company has done a lot of interstate work and he knows that a four-lane interstate type of road could be put in in the area in question for around \$1 million.

Mrs. Harlan re-addressed the Council. She said that both Mr. Rucker and Mr. Frick said that if anyone on the Council has any questions about the information she conveyed to them, they should feel free to contact them personally.

Mr. Earl Cooper, of Cooper Drywall, Inc., addressed the Council, speaking in favor of the rezoning petition. He said that Mr. Young's constructio goes above and beyond the requirements of the administrative building council. He said that in his opinion, east 10th street is the least congested of the main thoroughfares in the City of Bloomington.

When the Council reconvened after a five-minute break, Councilman Towell said that he was concerned about some comments that had been made just before the break and said that he thought it was past time that we insulted people on the basis of whether they were natives of Bloomington or not or on the basis of what our personal welfare has to do with an issue. He noted, in reference to the question of an individual's nativity, that there is a sizeable portion of Bloomington's population who are not natives of the City and that these individuals should be represented.

Mr. Barnhart re-addressed the Council. He said that Mr. Young has had a count done of traffic on east 10th street. The results of a full 24-hour count on a week day this week showed that 7,583 vehicles traveled the road. He said they were prepared to verify this count under oath and that the counters could be made available to the Council if desired.

Mr. Barnhart said, in response to allegations made by Mr. Lindman in the newspapers, that Mr. Young's concern for safety has been demonstrated by his dedication of right-of-way and construction of sidewalks in the past and his expressed willingness to dedicate right of way and construct sidewalks in this proposed project. In reference to comments made concerning the visibility at an entrance to Mr. Young's project, Mr. Barnhart said that Mr. Young offered to remove a hump in the road himself but that this was not permitted by state regulations prohibiting private individuals from working on state roads. He noted that 10th street is an oil-slick road and that in the resurfacing, which will put

asphalt on it, the road will also be made 3 feet wider with the addition of an 18-inch shoulder on each side.

Mr. Barnhart spoke to the question of the need for additional apartments in Bloomington. He cited an occupancy study which showed a 99.8% occupancy rate in apartments in December a few years ago. He said that this is not a tenant's market. He said that while Mr. Young's apartments may not provide housing for large families or low-income housing, they will increase the housing stock and thus the probability of everyone getting better housing in Bloomington.

Mr. Barnhart said that it may well take 10 years before state route 45 can be improved but noted that it only took one year for planning to get state route 37 to four lanes.

Mr. Barnhart noted that 300 or so people were interested enough to sign a remonstrance against the rezoning petition. He showed the Council a cartoon that had been circulated in the Grandview Hills and Eastern Heights neighborhood and said that he felt on several points the cartoon distorted actual facts, particularly in terms of areas for single-family and areas for multi-family dwellings, and building size. He also said that the figures listed in the cartoon for traffic generation by the apartment units do not agree with the figures that are not justified by studies conducted by Mr. Young. He noted that the number of apartment units given in the cartoon are not correct. He said that, by his calculation of the areas represented in the cartoon, there is a total distortion of 1450% over what would actually happen should Fountain Park II be developed.

Mr. Barnhart said that when a developer of Mr. Young's character meets with the Mayor of Bloomington and the director of utilities who make a request of him and he says, "Gentlemen, Yes", that that is an agreement, contrary to Mr. Lindman's contention that no agreement had been made. Mr. Barnhart asked the Council to check with the City's legal department as regards the legal defensibility of a zoning line in the middle of a 40-acre field as opposed to the legal defensibility of a zoning line which uses a 400 to 500 foot wide open area with a 100 foot deep ravine in it.

Mr. Lindman said that the cartoon was a device used to generate interest. He said he thought it was an insult to the intelligence of the residents of the area to claim that they really took it that seriously. Mr. Lindman said that it was the Board of Works, on August 1, 1972, that made the statement that there had been no agreement made between Mr. Young and the City. In addition, he said Mary Lou Brown and George Walkenshaw made the same statement to him privately before the August 1, 1972, Board of Public Works.

Mrs. Karen Lentz, Eastern Heights, addressed the Council. She said that her husband is a carpenter and that all members of the Local 1664 are currently working. She said the residents of the area are not against building or men earning their living in the building trade. She noted that across the street from the proposed Fountain Park addition is 34 acres already zoned R-3 which is enough land for about 600 apartment units. She asked, "Why is it logical to rezone more land?" She also asked "Why this must be rushed through and decided upon when we are on the verge of a plan that will show thought for all of Bloomington?"

Councilman Towell moved to Table ordinance no. 72-55 on the grounds that 1) all the agreements connected with it are not complete and 2) that the Council has to continue with other business before midnight. Councilman Fix seconded the motion on the grounds that everyone who has spoken in favor of the petition has suggested that the Council rely on the advice of the experts on the City staff. And, that the City does have one of the most capable men in the country as the director of utilities and he has told the Board of Works that he will have more information available next Tuesday.

Councilman De St. Croix said that he was in favor of tabling the ordinance to the next meeting so that the Council could read the proposed 1973 budget before midnight but that he was not in favor of tabling the ordinance to another meeting. He said that he thought the Council should be able to act on the ordinance at this meeting. Councilman Behen said that too felt the Council should be able to act at this meeting.

Councilwoman Zietlow said that she felt that she needed more time to consider the problem and obtain answers to some questions she still has.

The question was called.

The motion to table Ordinance no. 72-55 was carried by a Roll Call Vote of Ayes 6, Nays 3 (Nays: Morrison, Behen, De St. Croix)

Councilman De St. Croix said that he objected to the introduction of any business other than the reading of the 1973 proposed budget as that was one of the reasons given for tabling Ordinance No. 72-55.

Councilman Davis moved that Ordinance No. 72-56 be tabled due to the lateness of the hour and the necessity for considering other business. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance NO. 72-56  
Licensing and Fee  
Distribution for  
Domestic Animals

Councilman De St. Croix moved that Appropriations Ordinance NO. 72-5 be introduced and read by the Clerk. Councilman Morrison seconded the motion and it was carried by a unanimous voice vote..

INTRODUCTION OF GENERAL  
AND SPECIAL ORDINANCES  
Appropriations  
Ordinance NO. 72-5  
Proposed 1973 Budget

In the absence of the City Clerk, Tim Hodenfield and Amy Mann read Appropriations Ordinance No. 72-5, the proposed 1973 Budget.

Mayor Francis X. McCloskey addressed the Council. He noted that the following cuts had been made in the proposed budgets: \$11,000.00 from planning, \$19,000.00 from redevelopment, \$50,000.00 from the street general fund and the total \$100,000.00 that would be needed to operate the ambulance service through the hospital. The mayor said that the total general fund budget as proposed at this time is about 9.5% over what was budgeted for the 1972 fiscal year and that this would most likely have to be cut further. He noted that this does not include any payment on the \$400,000.00 deficit that faced this administration when it took office on January 1, 1972. He said that on January 1, 1972, there was \$112,000.00 left, enough to operate on for about 3 weeks and this was supposed to carry the City over 6 months, which the Mayor said was impossible. He said also that the various revenues and funds are not likely to be what they were estimated when the 1972 budget was prepared. The mayor noted that the controller is still receiving old bills from previous years. He said also that the Controller had advised him that there would not be as much in the General Fund at the start of next year as he had anticipated.

Message from the Mayor  
re the proposed 1973  
budget

Thus, the Mayor said, for advertising purposes, the tax rate is up \$1.20. He stressed that this is for the purpose of meeting the legal requirements of advertising the proposed budget. The Mayor said that he did not think the City could ask the taxpayers of Bloomington to accept a \$1.20 tax increase when the budget is finally published and hearings are held. He said that one of the things he will be doing is calling department heads into a



detailed fiscal meeting to find some ways to cut city expenditures over the remainder of the year, from \$100,000 to \$200,000 which would mean that the City would have that much more on January 1.

The Mayor said that there was also the possibility of the City's receiving \$478,000 if the revenue sharing is approved in Washington, but that the budget could not take that into account until it becomes an actuality.

He said it was his feeling and he thought it was the concensus of the Council that the Kirkwood and Dunn property be put into the hands of a realtor. He said that the City has been verbally advised by the State Board of Accounts that the money from that sale could be put into the General Fund due to the peculiar financial situation of the City. He said he thought that that would help very much. The Mayor said that even underspending this year's budget and having a very moderate increase next year, due to the problems of making up for a deficit and being legally bound to finance the City for 18 months from this budget, ultimately we will probably be talking even after substantial further cuts, of a tax rate that is close to a dollar increase.

Mayor McCloskey said that he would be talking with the State Board of Accounts and the State Board of Tax Commissioners about legally and openly extending the payment of the deficit longer than has been discussed so far.

Council president Zietlow said that the final hearing of the 1973 budget would be August 28, 1972, as specified in the Municipal Code.

Councilwoman Zietlow asked that a statement from the Council for the T.C. Steele natural area be included in the minutes. The Council concurred and the Clerk was instructed to include it in the official minutes. The statement is included at the end of the minutes.

Councilman De St. Croix moved Ordinance No. 72-58 that Ordinance No. 72-58 be introduced and read by the clerk by title only and posted as prescribed by ordinance. The motion was seconded by Councilman Morrison and carried by a unanimous voice vote. In the absence of the City Clerk, Amy Mann read ordinance no. 72-58 by title only.

Councilman De St. Croix moved that Ordinance NO. 72-59 Ordinance No. 72-59 be introduced and read by the Clerk by title only and posted as prescribed by ordinance. The motion was seconded by Councilman Morrison and carried by a unanimous voice vote. In the absence of the City Clerk, Amy Mann read ordinance no. 72-58 by title only.

Councilman Morrison moved that the Council adjourn. The motion was seconded by Councilman De St. Croix and carried by a unanimous voice vote. The Council adjourned at 12:30 a.m., E.S.T. ADJOURNMENT MOTION

*Charlotte T. Zietlow*  
Charlotte T. Zietlow, President  
Common Council

ATTEST:

*Amy G. Mann*  
Amy G. Mann, Secretary, Common Council



COUNCIL FOR THE T.C. STEELE NATURAL AREA

Formal Statement of Position Regarding the

Inland Steel Development Corporation (ISDC) proposal for a Community Development on Monroe Reservoir, as it was presented to the Monroe County (Ind.) Plan Commission on Tuesday, July 25, 1972, this Statement issued at the conclusion of the presentation.

The Council for the T.C. Steele Natural Area categorically opposes the ISDC plan for a 420 acre - 1000 dwelling unit community and marina complex along the north shore of the Monroe Reservoir causeway, as the first major development of its kind within the more natural regions of the Reservoir.

The Council does not feel this natural area could possibly sustain itself under the future commercial and community expansions which are certain to evolve in the wake of the ISDC development, if the 420 acre site is rezoned to accommodate the ISDC project and its precedent-setting developments were allowed to proceed.

The Council for the T.C. Steele Natural Area is a newly formed body, to research and encourage the designation of the entire forest and floodplain areas of the North, East and South regions of Monroe Reservoir (composed largely of State and Federal forest and wildlife refuge lands) as the first official Natural Area in the State of Indiana.

In the immediate future the Council will be working on all State, Federal and local levels for the purpose of building awareness of the uniqueness of this area, as one of the largest of its kind remaining in the Midwest which is in a natural condition noteworthy enough to warrant formal recognition as a Natural Area -- to be designated The T.C. Steele Natural Area.

We urge the citizens and officials of the four-County (Monroe, Lawrence, Brown, Jackson) area surrounding the Monroe Reservoir to take special note of this natural region, to appreciate its irreplaceability, and to join in defending it from expanding commercial and community intrusions.

Such Natural Areas are becoming increasingly rare indeed, and we have the obligation to designate and maintain them for future generations.

In Attendance:

Lee Nading, Pres.  
Veronica Oliva, Treas.

*Lee Nading*  
Council for the T.C. Steele  
Natural Area  
314 1/2 S. Henderson  
Bloomington, Ind. 47401  
(812)339-6056

COPIES: Local governments, statewide publications,  
National and local organizations, resource and land agencies.

August 3, 1972

Mr. Howard Young, Builder  
Fountain Park Project  
Bloomington, Indiana 47401

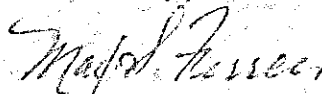
Dear Mr. Young:

This letter is to convey to you and anyone concerned my feelings as to the quality and type construction used in your Apartment Complexes.

On February 20, 1972, at 4:20 P.M., I was involved in the fighting of a fire at Meadowpark Apt. If it had not been for the superior construction of this building there would have been much more loss in dollars and even a possibility of loss of life.

Your Complex there meets and in many cases exceeds the standards set by the City of Bloomington and even the State of Indiana. I only wish that all apartment complexes were built to your specifications. It would make my job much easier and apartment dwelling much safer.

Sincerely,



Max S. Ferres  
Fire Chief,  
Van Buren Twp.

MSF:gc

STATE OF INDIANA

SS:

BEFORE THE PLAN COMMISSION

COUNTY OF MONROE

HOWARD E. YOUNG, Petitioner

PRE-HEARING STATEMENT

LAND: Eighteen (18) acres on East Tenth Street, east of Fountain Park Apartments.

REQUEST: R-1, One Family to R-3, Multiple Dwelling Zone.

LAND USES: R-3 Multiple Dwelling to the West, Farm land to the North and East, R-1, one-family to the South.

PURPOSE: To expand Fountain Park by Three Hundred Twelve (312) units (120 - 1-bedroom and 192 - 2-bedroom).

ADDITIONAL FEATURES:

- (1) Proposed development to set back from East Tenth Street 160 to 180 feet to provide for landscaping and picnic area.
- (2) Two small recreational areas and tennis court in North part of development.
- (3) Recreation facilities of present development available for proposed expansion.
- (4) Sidewalks throughout project and along Tenth Street.
- (5) Sidewalks will be constructed along present development and proposed development even though they were originally waived on the present development.
- (6) Single boulevard entrance. Proposed Development will join the present development which has two entrances and can be tied to Rifle Range Road when it is improved.
- (7) Additional right-of-way for Tenth Street with deceleration lanes for entrance.

STREETS: This development is served by East Tenth Street. Future development of Rifle Range Road and other east-west or north-south streets is not being blocked. Plans intentionally provide for means of tying in to future local streets.

DRAINAGE: Substantially all surface water drains North into undeveloped areas that are not overloaded and will not be by this development. No change in natural surface drainage from the proposed development is proposed.

SEWERS: Present plans call for enlargement of present pump station. Developer proposes to work with the City Engineer, Grandview Addition and Eastern Heights Addition to determine the feasibility of a property program causing this entire area to be served by the North Treatment Plant with the construction of a single pumping station for the area.

WATER SUPPLY: Recent expansion of water services in this area provides adequate flow and pressure for this development.

TOPOGRAPHY AND SOIL TYPES: Topography and soil types present no special problems for this development and are typical of the near northeastern part of the community.

FEASIBILITY: Feasibility studies based primarily on the developer's experience with Meadow Park and Fountain Park Apartments, clearly indicate additional need for multiple housing in this area.

EXHIBITS:

- (1) Plot Plan - showing ownership, zoning and land use of adjacent lands.
- (2) Geographic survey.
- (3) Photographs (with original copy only).

HOWARD YOUNG - REZONING: Adjacent Landowners - From the records of the Office of the Auditor and Treasurer of Monroe County, Indiana:

Section Thirty-five(35), Township Nine (9) North, Range One (1)

NORTH:

West:

Journel, Charles W.  
Rifle Range Road  
Bloomington, Indiana 47401

Plat No. 5

Hoosier Realty Development Corporation  
(No address listed in transfer book)  
(or City or Telephone directories.)

Plat No. 8

EAST:

Headley, James and Leona  
3619 Longview Drive  
Bloomington, Indiana 47401

Plat No. 10

SOUTH:

Gaston, George L.  
c/o Virginia D. Gaston  
3610 East Tenth Street  
Bloomington, Indiana 47401

Plat No. 18

Garton, Joseph N. and Daisy  
2920 East Tenth Street  
Bloomington, Indiana 47401

Plats No. 40 and  
No. 12.

Elizabeth Ann Hinkle  
2920 East Tenth Street  
Bloomington, Indiana 47401

Plat No. 41

Patton, Fred L. and Bernice G.  
3321 East Tenth Street  
Bloomington, Indiana 47401

Plats No. 31 and  
No. 44

Rogers, Louise H.  
426 Blue Ridge Drive.  
Bloomington, Indiana 47401

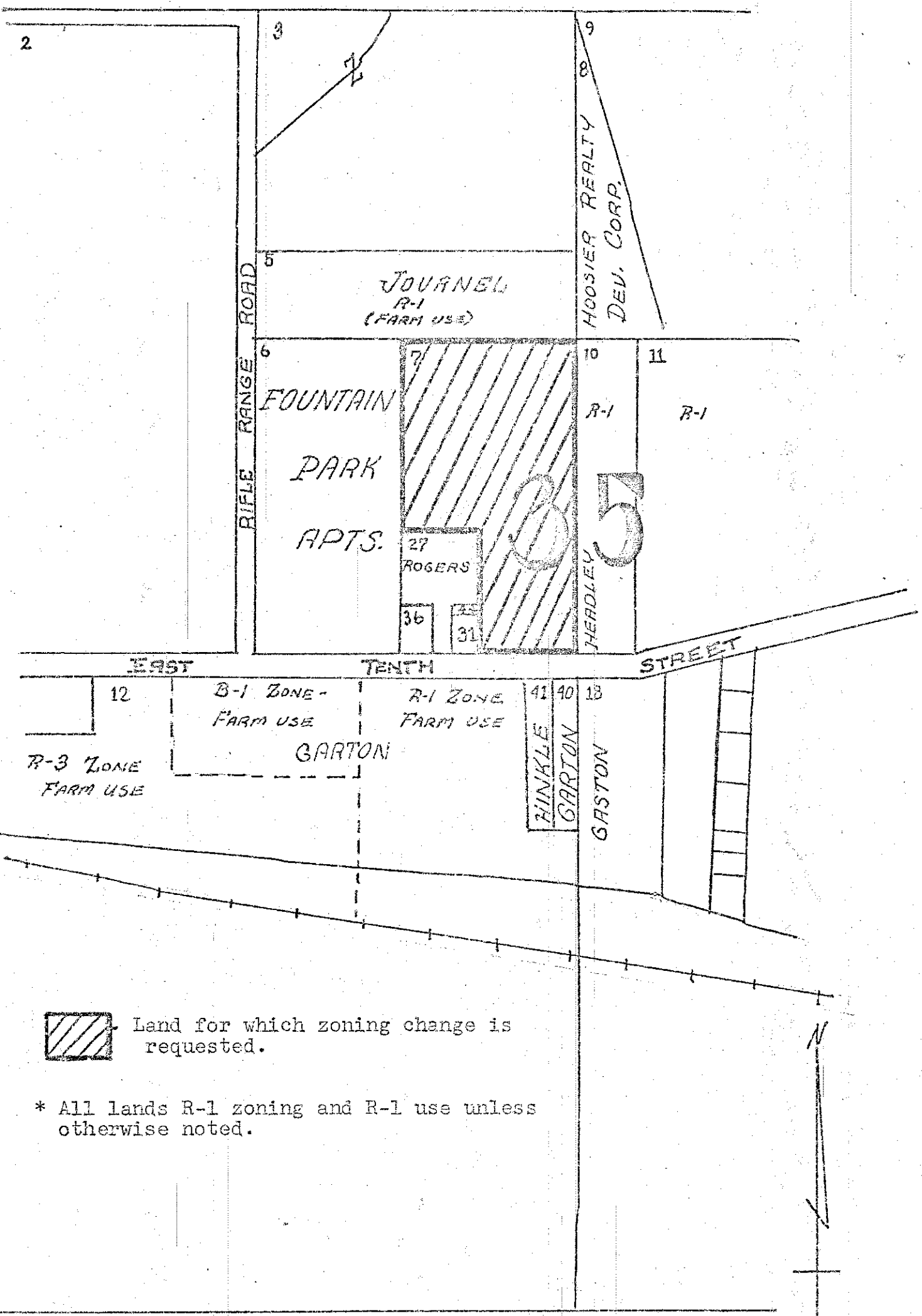
Plat No. 27

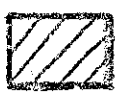
WEST: Owned by Petitioner -(no notice needed)

Fountain Park Apartments (Petitioner)

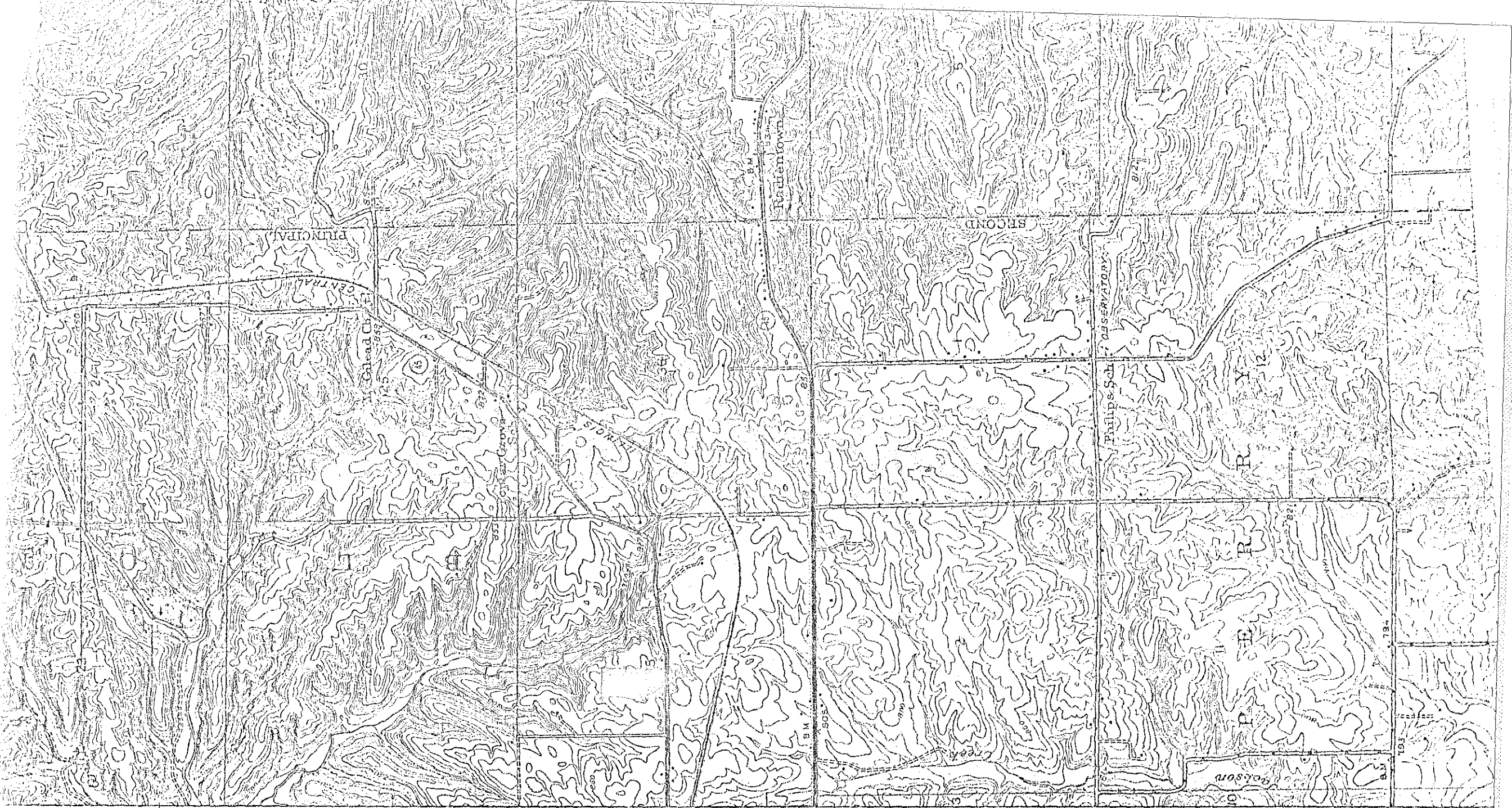
Plat No. 6.

HOWARD E. YOUNG - REZONING: Plot Plan taken from the records of the office of the Auditor of Monroe County, Indiana, with zoning information from the office of the City Engineer of Bloomington, Indiana showing adjacent landowners, area streets, land usage and general plat information:



 Land for which zoning change is requested.

\* All lands R-1 zoning and R-1 use unless otherwise noted.



(Bloomington, ex200)

JUNC. STATE NO. 24 18 MI.  
BLOOMINGTON 2 MI.

01

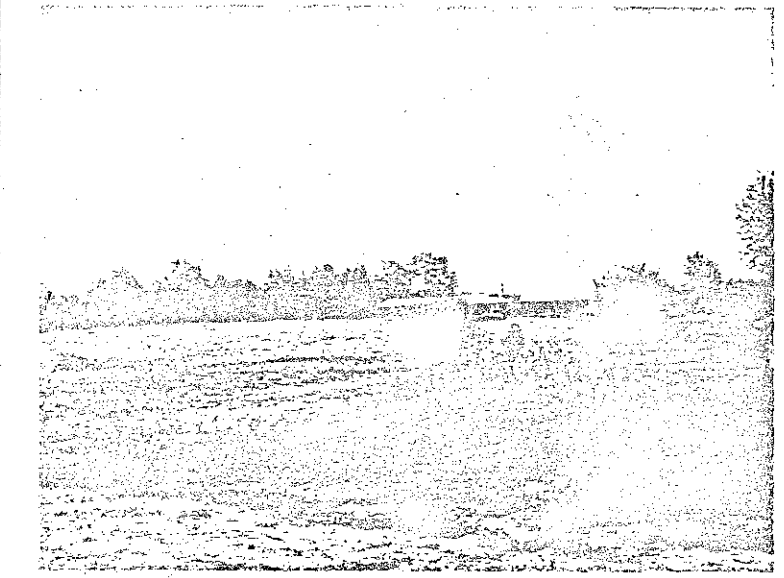
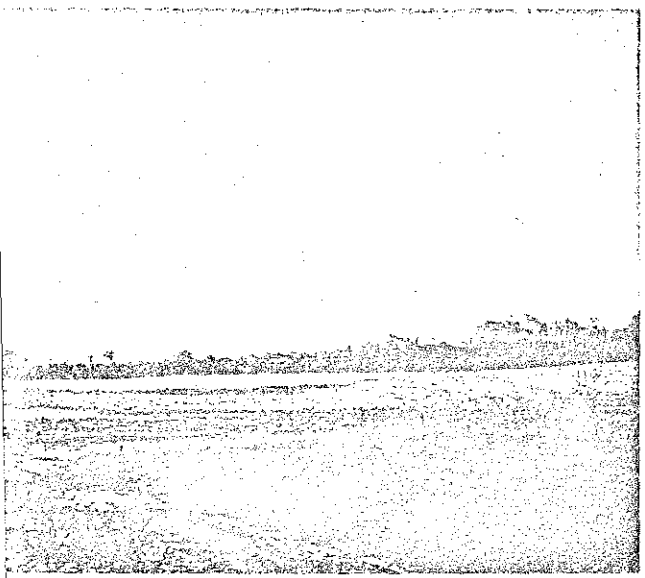
SPENCER 20 MI.  
BLOOMINGTON 1.9 MI.

35  
1.8 N  
1.9 N

184,000  
YARDS

David E. Young - rezoning

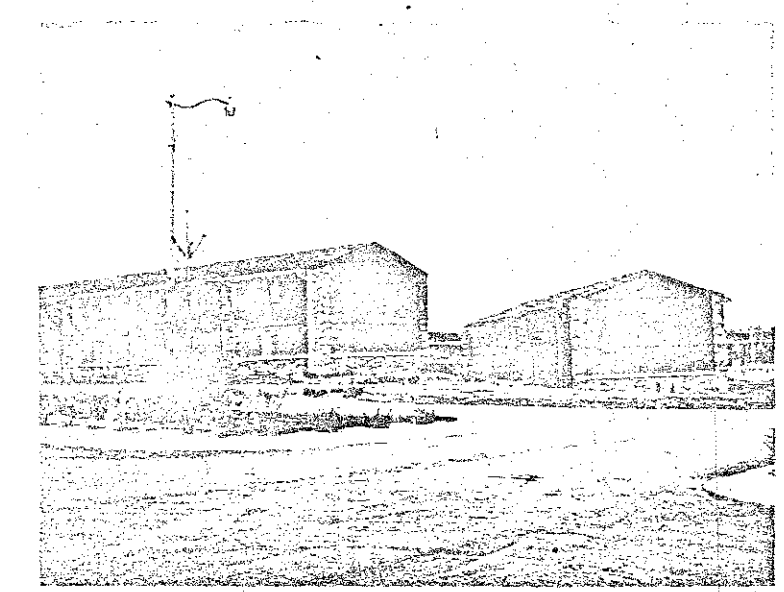
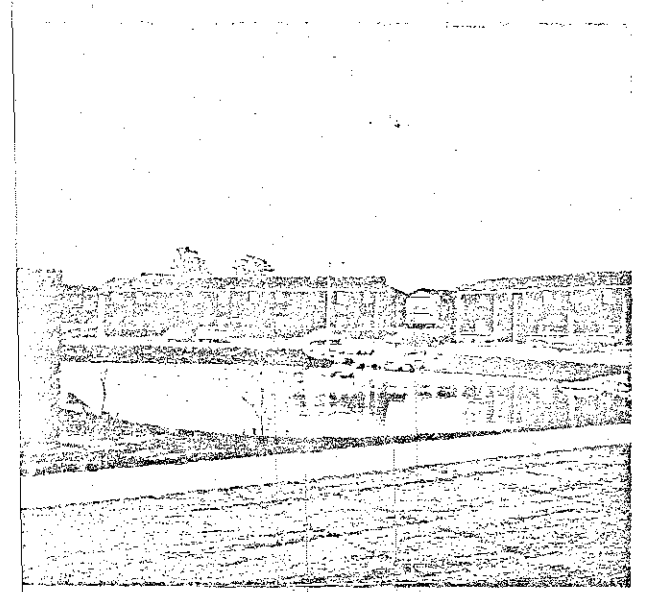
Subject Land



Camera facing NNE

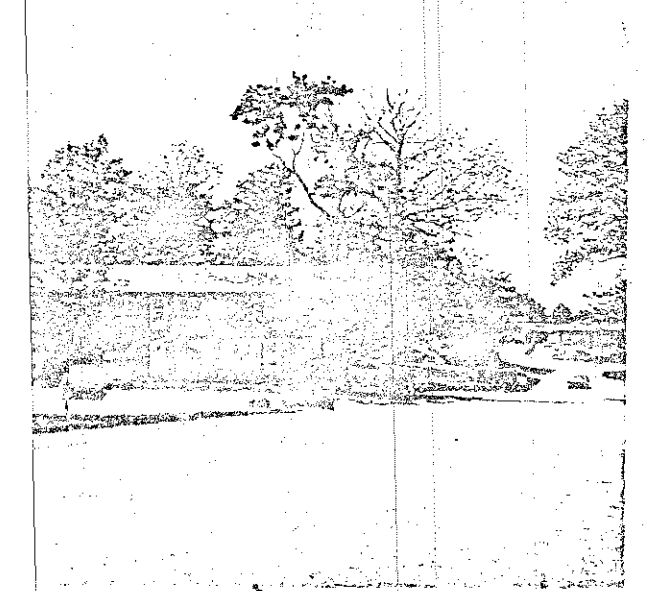
Camera facing ENE

Mountain Park Apts



Eye facing WNW  
down Park Apts

Camera facing ENE



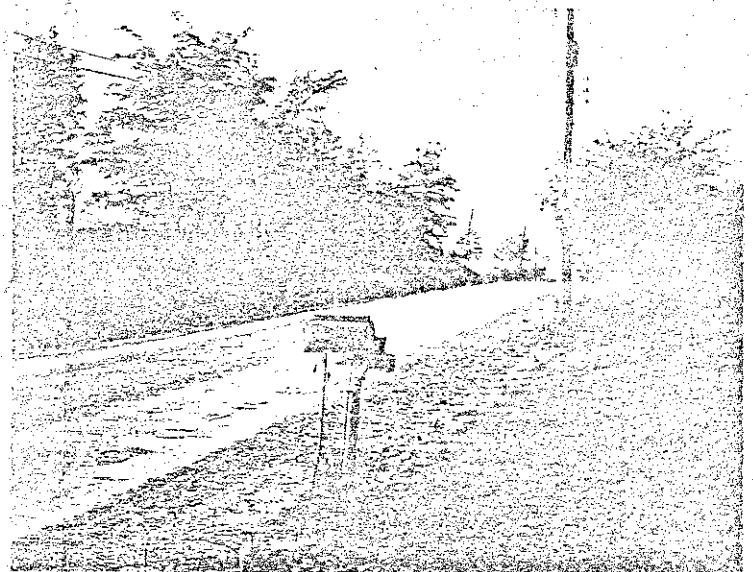
Eye facing W

Camera facing ENE



Visibility from proposed entrance

Camera held at 4' at edge of existing ROW



← E

Distance to car 475'  
Max. visibility 600'  
Max. safe visibility 500'

W →

Distance to car 570'  
Max. visibility 600'  
Max safe visibility 600'

STATE OF INDIANA )  
 )  
CITY OF BLOOMINGTON )

SS: A F F I D A V I T

FRANK A. BARNHART, being duly sworn upon his oath states that he is the attorney for Howard E. Young and as his attorney has contacted personally, either in person or by telephone, each of the adjacent property owners to the lands which are the subject of Petition Z-28-72.

That Charles W. Journal, James Headley and Daisy Garton support the petition.

That Hoosier Realty Development Corporation, George L. Gaston Estate and Louise H. Rogers have no objection to the petition.

That Fred L. Patton has no objection but would like to discuss the matter further with his wife before committing himself.

That Daisy Garton is the true owner of the property entitled Plat No. 41 and supports the petition on behalf of herself as fee title owner and on behalf of her daughter, Bertha Hinkle, listed as Elizabeth Ann Hinkle.

Frank A. Barnhart  
Frank A. Barnhart

STATE OF INDIANA  
COUNTY OF MONROE

SS:

Subscribed and sworn to before me this 16th day of May 1972.

My Commission Expires:

January 24, 1975

Harriette V. Duncan  
Harriette V. Duncan, Notary Public

STATE OF INDIANA  
CITY OF BLOOMINGTON

BEFORE THE PLAN COMMISSION  
CAUSE NO. Z-28-72

AFFIDAVIT OF DEVELOPER

HOWARD E. YOUNG, being duly sworn upon his oath states:

1. That he has an option to purchase the land described in his petition to rezone.
2. Orland Alexander and Stella L. Alexander, owners of the fee simple title to said lands have consented to affiant's petition.
3. All adjacent land owners have either consented to or support the petition herein.
4. The purpose of the requested rezoning is to permit the expansion of Fountain Park Apartments.
5. The allegations contained in Petitioner's Pre-hearing Statement are true.
6. In the event the requested rezoning is approved, Petitioner will request approval to develop said lands as a Neighborhood Development and as such will submit all plans to
  - A. Plan Commission
  - B. Board of Zoning Appeals
  - C. Technical sub-committee or other committee as requested.
7. Prior to final approval, petitioner will cooperate with the City Planner, City Engineer and the Board of Works to facilitate the development on a comprehensive sanitary sewer and sidewalk plan for the area of East Tenth Street, East By-Pass and Smith Road.
8. Petitioner has been in contact with the State and County Highway Departments and has been advised that East Tenth Street will be resurfaced in the near future, that the berms will be improved and that additional improvements to East Tenth Street will improve the safety of said street.

That the County will in the immediate future improve the intersection of Smith Road and East Tenth Street.

9. That East Tenth Street was not classified as a hazardous road to vehicle traffic but was so classified because of lack of facilities for pedestrian traffic, particularly traffic by school children.

Howard E. Young  
Howard E. Young, Petitioner

STATE OF INDIANA  
SS:  
COUNTY OF MONROE

Subscribed and sworn to before me, a Notary Public  
in and for the County and State above mentioned, this  
\_\_\_\_\_ day of June, 1972.

Frank A. Bunker  
Notary Public

My Commission Expires:

Jan 10, 1975

33

OFFICE OF  
MONROE COUNTY COMMISSIONERS  
Court House  
BLOOMINGTON, INDIANA 47401

Telephone 332-2827

June 5, 1972

TO WHOM IT MAY CONCERN:

Mr. Howard Young, a Bloomington Contractor, Mr. William Thompson of the Bloomington Sub-division of the Indiana State Highway Department, Mr. James Sargent, Superintendent of the Monroe County Highway Department and Mr. William Hanna, Chairman of the Monroe County Board of Commissioners met on June 2 to discuss the intersection improvement and bridge widening at intersection of Smith Road and Highway 45 East.

Improvements of the two above mentioned items will be made as soon as work can be programmed.

Respectively Yours,

*William K. Hanna*

Mr. William K. Hanna - Chairman  
Monroe County Commissioners

- cc: Mr. William Hanna
- Mr. Ralph Beckard
- Mr. Phillip Rogers
- Mr. Howard Young
- Mr. William Thompson
- Mr. James Sargent

WKH:rlp

Exh #9

STATE OF INDIANA )  
CITY OF BLOOMINGTON )

SS:

A F F I D A V I T

FRANK A. BARNHART, being duly sworn upon his oath states that he is the attorney for Howard E. Young and as his attorney has contacted personally, either in person or by telephone, each of the adjacent property owners to the lands which are the subject of Petition Z-28-72.

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That Daisy Garton is the true owner of the property entitled Plat No. 41 and supports the petition on behalf of herself as fee title owner and on behalf of her daughter, Bertha Hinkle, listed as Elizabeth Ann Hinkle.

Frank A. Barnhart  
Frank A. Barnhart

STATE OF INDIANA  
COUNTY OF MONROE

SS:

Subscribed and sworn to before me this 16th day of May 1972.

My Commission Expires:  
January 24, 1975

Harriette V. Duncan  
Harriette V. Duncan, Notary Public

RESOLUTION NO. 72-44

August 3, 1972

BUDGET TRANSFERS

BE IT HEREBY RESOLVED by the Common Council of the City of Bloomington, Indiana, that the City Controller of said City will adjust the appropriations of the following budget, to-wit:

BOARD OF PUBLIC WORKS

FROM	# 22	Heat, Light, Power, Water and Sewage	\$2,318.49
TO	# 24	Printing & Advertising	\$1,200.00
	# 72	Furniture & Fixtures	1,118.49
FROM	#265	Code Book	\$1,300.00
TO	# 55	Subscriptions	\$1,300.00

COMMON COUNCIL

FROM	# 21	Communication & Transportation	\$ 462.34
TO	# 72	Furniture & Fixtures	\$ 462.34

ENVIRONMENTAL COMMISSION

FROM	# 36	Supplies	\$ 33.56
TO	# 72	Furniture & Fixtures	\$ 33.56

PLANNING

FROM	# 26	Other Contractual Services	\$6,200.00
TO	# 21	Communication & Transportation	\$5,000.00
	# 37	Other Supplies	600.00
	# 55	Subscriptions & Dues	100.00
	# 36	Office Supplies	500.00

Charlotte T. Zietlow  
Charlotte T. Zietlow, President  
Common Council, City of Bloomington

Francis X. McCloskey  
Francis X. McCloskey, Mayor  
City of Bloomington, Indiana

ADOPTED: Aug 3, 1972