

In the Council Chambers of the Municipal Building, on Thursday, September 21, 1972, at 7:05 p.m., E.S.T., with Council President, Charlotte Zietlow, presiding.

REGULAR MEETING
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

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

ROLL CALL

Mayor Francis X. McCloskey; James Begester, Corporate Counsel; Carl Chambers, Chief of Police; Marvard Clark, Assistant City Engineer; Martha Sims, Controller; Bill Wilson, Director of Parks and Recreation; Tim Hodenfield, Aide to the Board of Public Works; Ted Najam, Assistant to the Mayor.

CITY OFFICIALS PRESENT

About 25 people, including members of the Press.

OTHERS PRESENT

COUNCILMAN MORRISON MOVED THAT THE COUNCIL ADJOURN NO LATER THAN 10:00 p.m.. Councilman Towell seconded the motion; the motion was carried by a unanimous voice vote.

ADJOURNMENT MOTION

COUNCILMAN MORRISON MOVED THAT THE MINUTES OF THE MEETINGS OF AUGUST 17, 1972, the two special meetings of August 28, 18, 1972, and the meeting of September 7, 1972, BE APPROVED AS SUBMITTED. Councilman Behen seconded the motion

MINUTES

(8-17-72; 8-28-72;
8-28-72; 9-7-72)

None

OLD BUSINESS

None

EXAMINATION OF CLAIMS

Mayor McCloskey addressed the Council:

MESSAGE FROM THE MAYOR

"I think it would be appropriate to say that the most severe disappointment I've personally experienced since being in public office is the way the vote went last week on the Miller Drive Situation. As everyone knows, it was almost even-stein but the forces for what we considered a good program-the best program available right now- came up some nine votes on the short end of the stick. There has been some speculation, some accusations and counter-intentions as to the future. I think in light of the disappointment involved on the part of many people this is very understandable. One thing I would like to stress is that this really in no way diminishes the concern of the City Administration for the welfare of the Miller Drive Area. Obviously the most pressing public item for the Miller Drive Area now and in the immediate future is and will be water and sewer. I think perhaps after a very brief cooling-off period, a time for people to reflect and talk, that it will not be too long before there is a substantial consensus in the neighborhood so that once again we may start going with a federally subsidized program and explore all possible alternatives and combinations. I was very heartened to see that the Miller Drive Association Attorney, Mr. Jones was quoted in the press as calling for a restructuring of neighborhood representation - a more broadly based PAC group. Whether it be in the confines of the present Miller Drive Association or not, I think this is one item that will have to be accomplished if we are going to have coordination, communication and a workable program. I would just like to say that we have every

MILLER DRIVE VOTE

intention of keeping in touch with everyone in the Miller Drive Area and we hope that it will be an agenda item again in the very near future, hopefully next year. In the meantime, we'll get working on the Westside and the downtown area, the immediate business at hand being getting a priorities established on the part of of the City administration, the PAC groups and HUD in Indianapolis. I think that within the next two weeks we will be moving over the next several months. I would like to say again that it is very understandable that there is severe disappointment in the area; I think it is obvious that people like Mr. Harding and others associated in the leadership of the Miller Drive Association have worked very hard, deserve a lot of credit, and it is a very bitter, human disappointment. But I have hopes for the future.

"As to the potential sale of the Kirkwood and Dunn property, I would like to report one other variable. Two days ago we were unofficially contacted about a possible purchaser interested in buying the entire lot. There was no firm offer made; it would obviously have to be, I think, substantially higher than the written offer of \$215,000 we have already received. There is some talk that the individuals interested in purchasing this cannot get work back to us by October 6, when we would have to know as to whether they would give us a substantially better offer than the \$215,000 we ought to consider the whole lot regardless of the preferences of the mayor's office as to selling off half or the entire parcel under the offers we have previously received. I would hope that we could report something on this within the next several days as to whether or not we will be getting a firm offer.

KIRKWOOD AND DUNN
PROPERTY

"There has been very much newsprint devoted in the press this week devoted to the 'situation' in the utilities department. There have been several personnel changes, I guess, over the last several weeks, there has been some firing and some demotions. I would like once again to reaffirm my support of Mr. Walkenshaw in this regard. He has made these changes upon having briefed me, telling me exactly what is going on. I note that tonight you should have received a detailed, written report, as to personnel changes and other problems and improvements in the Utilities Department. I would note one or two things though about the possibility of any further discussion or presentations as to what I consider at this time substantially an administrative matter. I would note that one of the most highly vocal employees involved has not requested of my office a formal hearing as he is entitled to do under the written and openly promulgated, established policies of the utilities department and of the City administration. I would also note that in the particular timing of this situation there has not yet been time for this matter to be considered by the Board of Public Works which has the primary jurisdiction in the utilities department. You will note as you read this report that there have been substantial deficiencies

UTILITIES DEPARTMENT

discovered by Mr. Walkenshaw in the department and Mr. Walkenshaw has been acting to correct these deficiencies, with no intention whatsoever to publicly embarrass or impune any City employee. I'd also note that accompanying these press reports there has been substantial discussion or charges made against me or the administration as to the fact that these changes were motivated by an anti-union bias. I would like to note several things in this regard. I personally am politically and philosophically in favor of unions and anyone who knows me knows that I have the highest regard for this public employees union as a state organization. For example, I have provided a list of city employees to the union organizer; at the organizer's request I have allowed the organizer to hold informational meetings on city property, during non-working hours, and in non-work areas. I think tonight, as always, it is the business of city employees as to whether or not they want to unionize, all well and good; if they don't, all well and good. But I am somewhat disappointed that these changes have been attributed to an anti-union bias and I would hope that charges of this sort would be put in their proper light because, to the best of my knowledge there is no anti-union connection. I have briefed department heads repeatedly, in effect, saying just what I am saying tonight - it is the business of city employees and if a union comes in, we can more than cooperate. As I've said all along since we've been in office, we did inherit a situation in which there were basically no personnel procedures, no informational organization and I do think city employees are entitled to a better deal. How they do that is their business and ultimately our business. Thank you."

None

PETITIONS AND COMMUNICATIONS

Grace Johnson, City Clerk, reported to the Council on the Small Claims Court: she passed out to the Council copies of the forms used in the court, copies of which are appended to these minutes: Subpoena Complaint Form; a set of directions for the plaintiff, entitled "Instructions for Filing a Small Claim," and a set of directions for the defendant, which is sent to the defendant when he is sent to the summons to appear.

REPORTS FROM CITY OFFICIALS AND DEPARTMENT HEADS

Mrs. Johnson gave the following report on the 72 cases that have been filed in the Small Claims Court so far: 10 landlords filed against tenants for unpaid rent, 1 landlord against tenants for stolen furniture, 6 tenants against landlords for damage deposits, six drug companies against private parties for accounts due, 3 doctors against private parties for professional services rendered and not paid for, 3 typewriter companies against private parties for accounts, 3 floor covering firms against private parties for accounts, 3 service stations against private parties for accounts, 2 private parties against service stations -

one for wages, one for faulty work, 2 private parties filing against a technical school, 3 private parties filing against local firms for wages, 2 local shops against private parties for bad checks, one private party against a cleaners who lost their clothing, 2 private parties against a firm for bad management, one homeowner against a developer for a driveway which they considered to be faulty, one private party against an encyclopedia company for violating the truth in lending law, one private party against a repair firm for returning their vacuum cleaner to the wrong person, one private party against a store for a breach in the warranty, one private party against a realtor for misrepresenting a house that was sold to them, three private parties against other private parties on personal notes that were not paid, two private parties against private parties for damages that occurred during sublet or unpaid rent during sublet, one private party against another private party for failing to get registered papers on a dog they had purchased which was supposed to be registered, one broken oral contract, 3 private persons against other private persons for automobile accidents and one boat accident, one private party against another private party for damage done to an automobile by a horse; one private party against a private party for a phone bill between roommates, a private party against a private party for injury of one child to another child while playing, one firm against another firm for material received but not paid for, three firms against private parties for merchandise not paid for.

Of the total of 72 cases filed in Small Claims Court, 12 trials have been held, 8 trials are set, 17 cases have been settled out of court, four default judgments, 31 cases are pending an answer from the defendant. Thirty-six were filed by private parties, 32 by business, 3 by professional people.

Mrs. Johnson said that when someone comes to the Court, on the third floor of the police station, to file a claim, they fill out the claim form and pay five dollars for the filing fee and 60 cents for mailing. The form is filled out in triplicate-one copy is sent by certified mail to the person named as defendant. The person named has 23 days to answer the claim; answers are accepted in writing, by telephone or in person. They can answer by denying that they have liability, in which case a trial is set; they can acknowledge that they do have liability, in which case "we figure out when they are going to pay it"; if they fail to answer the claim in 23 days, a default judgment is entered against them and the plaintiff automatically wins.

If the complaint seems unrealistic or somehow out of line, the Judge can require the plaintiff to come to Court and offer some evidence to support his claim before a default judgment is awarded.

Trials are held on Friday mornings; there is nothing before the Court now that is at issue that has not been set for trial. Over 50% of the cases filed in the last six weeks are already disposed, which Mrs. Johnson said is something of a record in judicial proceedings.

Mrs. Johnson said that everyone who works in the courts - the judge, the clerk and the bailiff, very much want to express their appreciation to the Council and the Mayor for funding this operation which they feel is a very great success and meets a real need in the community.

Councilman Behen thanked Mrs. Johnson for her informative report and said that he looked forward to more of them in the future.

Mrs. Johnson said that, as humorous as some of the claims may sound, they are not funny to the people involved; if someone feels they have been cheated or lost \$20, they are quite concerned. She said she thinks that when they have an opportunity to have their case heard, even if they lose, they feel a great deal better about it.

In response to a question from Councilwoman Zietlow, Mrs. Johnson said that the upper limit for a claim to be filed in Small Claims Court is \$500 and the overwhelming majority of them have been somewhat less. She said she thought the smallest one was in the neighborhood of 11, which with the \$5 court cost was a judgment of \$17. She said she thought most claims have been in the neighborhood of \$75 or \$80.

In response to a question from Councilman Ackerman, Mrs. Johnson said that it is considerably more expensive to run the Court than the amount of money taken in the court costs. She said they have taken in \$360.00 so far. She thought they had spent about \$800 so far but some of that was for setting up the Court and not for continuing expenses.

In response to a question from Councilwoman Zeitlow, Mrs. Johnson said that the facilities of the Court are "very horrible". She said that all of the employees in the court hope that the council will come and visit the Court to see what the conditions are. She said that she understands that the City may recognize some unexpected monies that could be expended in the future and the Court would like to have some of that spent on improving their facility. She asked that their facilities be given a top priority because they are very crowded. She said that the clerk who handles the small claims has no place to interview the people who are filing the claims, except in the City Clerk's office which is already occupied by three other full-time employees and attorneys and police officers waiting for trial. She said the judge has no place to interview people - he has no chambers. She said that sometimes there are personal matters that need to be discussed by the judge and the people involved privately and the judge has to take them out into the hall and stand in front of the rest room. She said that police officers have been known to escape to the same place to consider what is happening with their cases. She said it is not a very good situation and she did not think it gives a very good impression of justice, although the attitude of the Court is very good. She said that people might get the impression that the City is not too concerned with justice from seeing the courtroom facilities.

Mr. Behen said he was very much in sympathy with the Clerk and the Judge where they are having to interview people in the hall.

Councilman Towell said that he is very pleased with the operation of the Small Claims Court. Mrs. Johnson said that she thought both the public and private sectors of the community seem happy with the court and both sides of the tenant-landlord situation seem to be using the court.

She said that two people have been represented by

lawyers in the Small Claims Court - one of them lost and one of them won.

Mrs. Johnson introduced Mary Hall, the Clerk for the Small Claims Court, who is a law student working 20 hours a week with the Small Claims Court and clerking and doing reasearch for the Judge.

Councilman Ackerman reported that the Animal Control Commission met a week ago. He said that the general issue of licensing of animals was being considered by the Commission and the Commission will use the propsed Ordinance No. 72-63 as basis of presenting something to the Council on this issue. He said a special subcommittee was set up to study licensing and fees. The Commission will meet next Thursday and will have an ordinance to bring to the Council at the next meeting.

REPORTS FROM OFFICIAL
BOARDS AND COMMISSIONS

Animal Control Commis

Council President Zietlow asked for a report from the Standing Committee on the Board of Public Works on the vacation of First Street. Councilman Morrison, Chairman of the Committee, said he did not have a report.

REPORTS FROM STANDING
COMMITTEES

Standing Committee on
the Board of Public
Works

Councilman Davis said that the Committee actually did not officially meet but that he had some information on the matter if the Council would like to have that information.

Council President Zietlow asked Councilman Davis to present what information he had. He presented the following report from Tom Crossman, Planning Director:

September 21, 1972 /

TO: City Council
City of Bloomington

FROM: Tom Crossman
Planning Department

In accordance with the request of Councilman Davis, the Planning Department has investigated the petition of Charles and Martha Ziegler, presented by their attorney Edwin Applegate, for the vacation of a portion of First Street between Sheridan and Mitchell.

The Planning Staff has examined the petition and maps submitted by the petitioner and have investigated the property in the field. It is the opinion of the staff that the request is unreasonable and is definitely not in the best interest of the City of Bloomington. It would appear that the petitioner has sufficient property on his present lot to construct the garage in accordance with all of the existing setback requirements of the City of Bloomington. If the petitioner believes and is able to prove that the front yard facing First Street is inadequate for the proposed construction of a garage or carport, the proper remedy would be to appeal to the Board of Zoning Appeals for a variance of front yard requirements. Under no circumstances does the staff believe that the City should vacate a portion of street right-of-way so that a private land owner could then acquire land which would only increase his front yard and make his lot legal and conforming in terms of the zoning regulations. This would appear in the staff's opinion, to be an unreasonable request and an unreasonable remedy for that type of situation.

It is doubtful in this specific instance that variance from the setback requirements would be necessary for the construction of the proposed garage. Although it is unfortunate that parcels of land previously acquired by the City for the improvement of First Street have (in the past) been vacated, we can in no way justify the compounding of previous errors. It would seem that the eventual reacquisition of some of the previously vacated land will be necessary if First Street is ever to be improved. Because of the above reasons the Plan Department recommends that the petition be denied.

Councilman Davis said that he also had a statement from the City Engineer, and noted that the question was discussed at the Traffic Commission meeting a week ago last Monday. He said that the City Planner, the City Engineer, and the Traffic Commission do not feel that the City should vacate that property. The feeling is against vacating that property, that it might be needed in the future. He said that a zoning ordinance would be recommended if needed to permit construction of the garage facility, as opposed to vacating the land. Councilman Davis said that, at the very least, land would probably be needed for sidewalks in that area.

Mr. K. Edwin Applegate addressed the Council, on behalf of petitioners. He said that he was concerned about the suggestion that all that was required was a zoning variance to permit construction of the carport on the existing property. (see maps included with petition in minutes of 9-7-72 because the driveway would be infringing on City property. Councilman Davis said that there would be no problem with the City granting an easement for the driveway. Councilwoman Zietlow said that, by granting an easement, the City would maintain the right to develop that land; the City would not be vacating the land.

Councilman Davis said he would think that Mr. Ziegler does presently have an easement since his driveway does cross the plot of land in question. Mr. Applegate said that he has abstracted the property and found that there are no easements.

Mr. Applegate said that if the City were not to vacate the land requested by Mr. Ziegler it would seem to him to be a case of discriminating against one land owner since the City did, in 1951, vacate a similar plot of land for Mr. Hoadley, Mr. Ziegler's neighbor. Councilman Behen said that he disagreed with that since the situation when that first vacation was granted in 1951 is not the same as the present situation; there are schools in that area that were not there in 1951.

Mr. Applegate suggested that there could be a vacation subject to no payment on condemnation.

In response to a question from Councilman Ackerman, Mr. Applegate said that they could not move the carport further south than shown on the map because of

the requirements of land use. He said they were controlled by the zoning ordinance, the property line setback and the original platting of the area.

Councilman Davis said that he thought both the planning and engineering departments would be willing to work with the petitioners to develop the best way to put in the carport. Mr. Applegate said that he would prefer to avoid the expense of filing a law suit for vacation if it would be possible for petitioner to enter into a contract with the City which would satisfy the petitioner's needs. He said that he would assume then that if the petitioner enters into a contract with the Board of Public Works, which contract would, of necessity run with the land so that it would be in effect regardless of who owns the property, that the Council would approve the contract. Councilman Davis said that he was not sure that a contract would be necessary.

Mr. Applegate said that he assumed that if he and his client reached an agreement with the City Engineer and the Board of Public Works that the Council would not be opposed to it. Councilman Fix said that he thought that any reasonable plan that the plan commission and the city engineers come up with to protect the future interests of the City would meet with approval of the Council.

Councilman Ackerman noted that the memo from Tom Crossman stated that there appeared to be sufficient property on the petitioner's lot "to construct the garage in accordance with all of the existing setback requirements of the City of Bloomington." Mr. Applegate said that the existing setbacks of the City of Bloomington are not the same as the setbacks on the plat book.

Councilman Towell said that he thought the sense of what had been said so far was that the Council thinks there is a reasonable chance Mr. Applegate can work it out without having to take legal action. Councilman Towell said that the Council would like to have him try this route.

Councilman Davis said that the City Engineer, in a letter to Councilman Davis, indicated that he would be in favor of reversing the previous vacations to right some of the errors that he sees that have been made by the City in the past.

None

REPORTS FROM SPECIAL COMMITTEES

Councilman Towell reviewed the history of the landlord-tenant ordinance which is presently in draft form. At the beginning of this Administration, Councilman Towell asked that there be a housing committee of the Council established; Council members Fix, Zietlow, De. St. Croix and Towell constituted the Housing Committee. The committee immediately began to hold public hearings to explore the problem and gradually develop a proposal. There was a first draft of the proposal which was given public hearing, and formed a basis for discussion. The discussion on the initial draft lead to many revisions of the proposal and also to some awareness of legal difficulties. The committee felt that more legal research and more legal advice was needed before the committee came forward with an ordinance for the Council. Work, especially legal research,

MESSAGES FROM COUNCILMAN

Alfred Towell - Status of Draft of Proposed Landlord-Tenant Ordinance

has been going on about the proposed ordinance. As a result of that, the Committee has formulated another draft which the committee proposes to use as a basis for public hearings and eventually an ordinance. The drafting committee began to review the draft and by some of the committee's legal critics three weeks ago. He said that the committee did not feel that it was worthwhile bringing the draft out to public discussion again unless they had reasonable confidence that it was a supportable ordinance, and that some of the defects of the previous draft had been remedied. He said that the committee was in the process of reviewing the draft when one evening he received a call from the Herald-Telephone at 11:00 p.m.; the reporter asked him to review the provisions of the draft - the committee's working paper. Councilman Towell said that he was adamant that it was not yet ready for public discussion; the reporter did not tell Councilman Towell that there had been a public meeting that evening at which he had been denounced. Councilman Towell said that the following morning he had another call from a newspaper and he also had a call from a lawyer who suggested that he sue someone for libel. He said that this was all very unpleasant and, he did not feel that anything was accomplished by all this except to create a situation where pressure seemed to be the order of the day, and where any chance for rational discussion of the provisions of the ordinance was impossible. Councilman Towell said that if he was going to be the object of libelous statements such as he had read in the papers, he felt that there was no use in trying to deal with people in this situation. He said that as the day wore on it appeared that some of the statements were, perhaps, distorted; people approached him to correct the situation. Councilman Towell said that he now has hopes that, when and if the Committee arrives at a draft which they consider to be worthy of public discussion, there can be some constructive public discussion.

He said that he thought that the individuals who entered upon this campaign of villification lost face in the process and he thought they made their cause a lot worse than it should have looked. He said he was very sorry that this happened for them as well as for himself. Councilman Towell said that he was hereby extending an offer for continued consideration of this ordinance on a reasonable basis and he was hoping that that offer would be accepted by any organizations or groups of individuals that may be formed at any time on this matter. He said that he has now, after a space of some days, gotten back his equilibrium and is ready to proceed as before, and he hoped that others involved can too; if not, he said it was his intention to bring an ordinance to the Council anyway. He said that he would do this even if public discussion turns out not to be a constructive way to proceed because the Council is a public arena for discussion of matters; if public hearings fizzled because individuals were using pressure rather than reason, he would bring the Committee's final proposal for an ordinance before the Council and let the hearings be before the Council.

Councilman Towell said that it is his intention to have extensive discussion of this very complicated and long ordinance, which will most likely be long in any version. He said that he would hope that this kind of discussion is possible in the City of Bloomington.

Councilman Towell said that he would be happy to answer any questions about his report. He reiterated his feeling that he is sorry this unpleasant situation had to happen and now

that it is over he would hope that things could proceed again.

Councilman Towell said that the drafting committee plus interested councilmen have been invited to continue discussions - and a representative of the Mayor's office - to go over the ordinance to see that all of the paragraphs are in the right order, that headings are over the right paragraphs, that a consistency of language is obtained throughout the entire ordinance, and, of course, to see whether the things that are said actually are what would meet the case. In this he said, the committee is considering the criticisms and discussions of the spring when public hearings were held. In other words, Councilman Towell said, he considered that public hearings had already been held on most of the matters in the new draft as well as the old draft and that the committee was trying to carry out the purpose of those public hearings.

Councilwoman Zietlow reported on the Indiana Association of Cities and Towns Convention held in Indianapolis earlier in the week, which she attended with Councilmen Fix and Towell, Mayor McCloskey, Martha Sims (Controller) and Grace Johnson (City Clerk). She said she thought it was a very useful meeting; there were discussions of a number of issues that are of importance to all cities throughout Indiana. There was discussion of the revenue-sharing legislation which is currently moving through Congress. She said that there was pretty much bipartisan concern that revenue sharing monies, if they do come to the city, be used for major projects which the cities otherwise would not be able to afford - namely, that the revenue sharing funds not be used as a substitute for property taxes or as a way of getting around tax increases, but as a supplement to the funds of the city, especially for capital improvements. She said that this is a major concern of cities throughout the state and one that would have to be discussed if the funds do come through.

Charlotte Zietlow -
I.A.C.T. Convention

Councilwoman Zietlow said the convention went on record as resolving that the cigarette tax be raised two cents to pay for police and firemen pension funds in lieu of property tax payment for those items, and that the gasoline tax be increased one penny to increase the motor vehicle highway funds. There was also a resolution that there be some way of resolving the problems of double taxation for residents of the city who also have to pay county taxes as well, and not vice-versa - that there be some sort of equalization; and a discussion of taxes generally - that they be evened out. There was not a discussion, however, of increasing corporate taxes or income taxes. These matters which will come before the state legislature will directly influence the future of the cities and towns in the state.

Councilwoman Zietlow said that Mr. Ruckleshaus of the Environmental Protection Agency spoke on the increasing enforcement of the air and water pollution control standards. The two candidates for governor spoke generally about increasing services and property tax relief.

She said that another concern expressed during the convention was the possibility of communities which have a lot of public facilities to work together to seek relief from such "public impaction." She said that this problem is of major concern to Bloomington.

She said another point discussed was the difference between "community" and "City" and trying to equalize taxation throughout the community when many people do not live in the Corporate City but benefit from city services.

Councilwoman Zietlow said that she thought the convention was useful, if for no other reason, than that it brought discussions to the fore and to find out that the same problems are facing communities all over the state and that the possibility for dealing with them is going to have to come through state legislation.

She reported that there are a number of cities now which are developing mass transit systems with federal funds - the mayors of Fort Wayne and Richmond described their mass transit systems.

They are totally resigned to the idea of subsidization of a mass transit system; they have a tax rate in Richmond of two and one half cents and in Fort Wayne of 12 cents and they formed transportation taxing districts. The Mayor of Fort Wayne said that he thought that the people who benefit from the services of mass transit are people who do not benefit from other services of the city; old people do not use the parks and golf courses and streets as much as the rest of the population, and they deserve some services themselves. His feeling was that if 5% of the people use the buses that is still 5% who absolutely need those services and in fact only 5% of the people in his city use the fire department.

Councilwoman Zietlow said that she would prepare a longer memo on this convention but that she wanted to make a brief report at this time.

Councilman Morrison moved that Resolution No. 72-54 be introduced and read by the Clerk. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

RESOLUTIONS

No. 72-54
Transfer of Funds

Grace Johnson read Resolution No. 72-54

COUNCILMAN MORRISON MOVED THAT RESOLUTION NO. 72-54 BE ADOPTED. Councilman Fix seconded the motion.

Councilman Morrison asked Mr. Register if the \$2000 transfer requested into the Board of Public Works legal advertising account was to pay for the advertising of the Kirkwood and Dunn Property. Mrs. Sims, Controller, said that those bills have been paid and she did not remember off hand how much they were. She said that she would have to look through her records to find out just how much was paid for that advertising.

In answer to a question from Councilwoman Zietlow, Mrs. Sims said that the City has to pay the standard advertising rate and that all advertisements cost quite a bit.

Mr. Hodenfield, Aide to the Board of Public Works, said that the bulk of the legal advertising is in the two local newspapers.

Councilman Behen said that he did not

understand how there could be a surplus in the hydrant rental account when that rate was set by the public service commission. Martha Sims explained that until this year it has always been a guess as to how many hydrants the City has and therefore, payments in the past were based on guesses. This year the engineer did a survey and we now know how many hydrants the City actually has and, therefore, just exactly how much the annual payment should be. She said this count also enabled us to determine what the payments should have been in the past; as a result of this it was determined that there had been an overpayment -- and hence a credit was due.

Mr. Hodenfield said that the total payment for hydrant rental for this year will be about \$52,000, leaving, at this time, a surplus of about \$14,000, of which he is asking that \$5,600 be transferred into other accounts at this time. The over-assessment in previous years had resulted in about \$65,000 credit. Councilman Ackerman questioned the transfer of funds in the environmental commission budget to pay for work-study students; he said he did not understand why the commission would be paying for work-study students for redevelopment, if that was what the transfer was for. Mr. Hodenfield explained that the redevelopment department has paid for all of the work-study students who have worked for the City so far this year. He said that in February two other accounts -- the environmental and drug commissions -- were asked to donate various monies to help support the work study students. The environmental commission gave \$900 and the Drug commission gave \$1500; these funds are now being used to pay for all the work study students working for the City.

In response to a question from Councilman Ackerman, Mr. Hodenfield said that the \$900 paid for work-study by the environmental commission is not going for work-study students who work just for the environmental commission. Councilman Ackerman said that he found that very distressing. Mr. Hodenfield said that it was a case where the City had the opportunity at the beginning of the year to hire work-study students and the two commissions had not formulated their budgets in detail at that point and they were asked to help support the work-study students; the commissions do benefit from the work-study students, though not all the money is spent on just the commissions.

Councilman Ackerman said that he was concerned that the budget was so limited and the need so great in these areas. Councilwoman Zietlow said that the money allocated to these two commissions were arbitrary sums, without justification. Mr. Hodenfield said that the budgets were prepared last year with \$4600 for a secretary and \$250 for office supplies; at the beginning of the year the commissions broke their budgets down further and the Mayor's office asked each of the commissions if they would be willing to help support work-study students and they said they would. Both commissions were able to get the staff they wanted.

Mr. Hodenfield said that, in the 1973 budget, each department has an item for its own work-study students.

In response to a question from Councilman Morrison, Bill Wilson said that the security position was eliminated in next year's budget and, due to a controversy over hiring, the position was not filled

the 9th street park. For 30 years the City has had the 9th street park rent free in exchange for the City paying the taxes on the property. Mr. Wilson said that he and the City Attorney went to Chicago a week ago to meet with the railroad officials; during the negotiations, a lease agreement was suggested which the City Attorney highly recommended be accepted. Mr. Wilson said that, in talking with the money within the decided, if at all possible, to come up with the money within the existing budget, rather than appropriating additional funds. The lease from September 1 to January 1 is \$3000. He said he thought it was important to tie the property up until January 1 to permit further negotiation on the property.

Mr. Wilson said the property is a total of 8.10 acres and the railroad is asking \$100,000. He said the closest he could get in negotiations was a reduction of 5 to 10 percent. He said he feels this is still far apart from the City's interest.

The question was called.

THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

RESOLUTION No. 72-54 WAS ADOPTED.

Councilman Morrison moved that Resolution No. 72-55 be introduced and read by the Clerk. Councilman Towell seconded the motion. The motion was carried by unanimous voice vote.

Resolution No. 72-55
Developmental Study
Committee

Grace Johnson read Resolution No. 72-55.

COUNCILMAN MORRISON MOVED THAT RESOLUTION No. 72-55 BE ADOPTED. Councilman Towell seconded the motion.

Councilman Fix explained the nature of the Committee. He said the City is very fortunate to have a vast amount of knowledge in the community, from the standpoint of the University, the business world and professional people in the community. A City or community is built up of many entities -- many segments, and all of these are very dynamic and they go on, eventhough the physical life may mature and die, the functional life may mature and die, the economic life may mature and die, etc. Something fixes place and goes ahead. He said that he thought we had what is really a blue-ribbon committee, with the expertise and knowledge of being able to study and analyze and interpret this maturing of the lives of the different segments of the City.

Councilman Fix read off the list of members of the Committee: Robert Shriner, School of Public Environmental Affairs, whose specialty is future urban needs; Ernest Horn, School of Education; Willard Twyman, Regional Manager, Public Service Indiana, and Chairman of the Bloomington Chamber of Commerce; Richard Pfister, Professor of Uroan Economics, School of Business; Alan Backler, Specialist in Social and

Regional Geography; Professor Black, Geography Department, Professor of Urban Transportation; William Schrader, Editor of the Herald-Telephone, and Chairman of the Chamber of Commerce Lake Monroe Committee.

Councilman Fix said that many of these professors are working independantly with graduate students and on research grants studying the problems that arise as cities mature and change from one entity to another. In this way, they can all be brought together and the City of Bloomington and get the input from graduate students. The School of Public and Environmental Affairs is receiving funds for this type of study.

Councilman Fix said that rather than having an individual department under study without reference to the rest of the City, this way the research into all areas of the City can be tied together and have something that the department heads can refer to. He said he did not see ever having an end to this study - it would be just a continuing thing. This committee grew out of the Technical Advisory Committee.

In response to a question from Councilwoman Zietlow, Councilman Fix said that it will be an open committee, with open meetings; it will be loosely structured - not highly organized. It will be more of a coordinating effort between the different studies than it will be setting down and making decisions of recommendations.

Councilman Fix reiterated that it is an open committee; anyone who wants to can become a member; no chairman has been designated; it may be a committee without a chairman.

The committee will work on interpretations of how existing land uses developed over the years into what we have right now; how we can look at different segments of the City and predict what they will be like 20 years from now - physically, functionally, etc.

Councilman Fix said it will not be so much a planning-type of thing, of we need more of this or we need more of that - rather looking at what we have and how it will mature; what will be the second and third uses of developemnt that has already taken place.

Councilwoman Zietlow said that she thought it was a good idea to have such a committee working in Bloomington.

The question was called.

THE MOTION WAS CARRIED BY A ROLL CALL
VOTE OF Ayes 8, Nays 0.

RESOLUTION No. 72-55 was ADOPTED.

Councilman Morrison moved that Ordinance No. 72-62 be advanced to second reading and read by the Clerk by title only.

ORDINANCES - SECOND
READING
No. 72-62 - Annexation
(Broadview)

The motion was seconded by Councilman Ackerman and carried by a unanimous voice vote.

Grace Johnson read Ordinance No. 72-62 by title only.

COUNCILMAN MORRISON MOVED THAT ORDINANCE NO. 72-62 BE ADOPTED. Councilman Towell seconded the motion.

Mr. Regester explained that this is a voluntary annexation for part of Coolidge Drive and lots 132 through 147 of Broadview Park First Addition, except lot 140. The owner of lot 140, a widow, requested that she be specifically excluded; the legal department was willing to exclude her lot since it is on the far end of the block and will not interrupt the continuity which the legal department feels is important to facilitate provision of city services. Mr. Regester said that if more than 50% of the property owners in an area request annexation, the whole area can be annexed as a voluntary annexation. He said that the owner of lot 140 requested that she be excluded because she is living on a fixed income and does not feel she could afford to be annexed into the City.

Mr. Robert Clendening, one of the petitioners for annexation, addressed the Council. He said that nine people in the block did sign the petition requesting annexation; the owners of lots 134, 136, 137, and 140 did not request annexation.

Mr. Regester said that the legal department did not feel that it would be justified to chop up the block and only annex those lots specifically requesting it. He said the legal department felt it was both legally sound and morally defensible to annex all but lot 140 as they have proposed.

Councilman Ackerman asked if Mr. Regester did not think that the people who live on lots 134, 136, and 137 could claim that this was an arbitrary and capricious act. Mr. Regester said, "Absolutely not." He said that they allowed one lot to be excluded on the grounds of hardship and on the grounds that it did not disrupt a contiguous block.

Mr. Regester said that the legal department would not be checkerboarding any areas for annexation to the City, as long as the legal department is able to make this determination as to what should be recommended to the Council for annexation.

Councilman Morrison asked if that meant that the City was taking in three lots that the people are against coming into the city. Mr. Regester said that the legal department knows of no opposition to this annexation.

Mr. Clendening, in response to a question from Councilman Morrison, said that he had contacted all of these property owners of these three lots twice about annexation. They said they were not opposed to having the sewer put in but that they did not want to have anything to do with going into the City; they felt that their septic systems were adequate.

Mr. Clendening said that he wanted to point out that only 9 of the 13 lots in question had requested annexation to avoid any trouble later over a misunderstanding about the nature of the petition.

Councilman Morrison said that the other lot owners also have equal rights. He said that what gets him about this particular case is where does one person's rights cease and another's begin.

Mr. Register said that he would concede that they have equal rights but they do not have the majority.

The question was called.

THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF Ayes 7, Nays 1 (Nays: Morrison)

ORDINANCE No. 72-62 WAS ADOPTED.

Councilman Morrison moved that Ordinance No. 72-64 be Introduced and Read by the Clerk. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCE

No. 72-64 - Salary Ordinance

Grace Johnson read ordinance No. 72-64.

Councilman Morrison moved that Ordinance No. 72-65 be introduced and read by title only and posted for two weeks as required. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

No. 72-65 - Annexation (South High Street)

Grace Johnson read Ordinance No. 72-65 by title only.

Mr. Register explained the location of the properties for which the voluntary annexation was being requested. This is High Street at Maxwell Lane.

Councilman Davis moved that Ordinance No. 72-66 be introduced and read by the Clerk by title only and posted for two weeks as required. Councilman Mazell seconded the motion. The motion was carried by a unanimous voice vote.

No. 72-66 - Annexation (Highland Village)

Grace Johnson read Ordinance No. 72-66 by title only.

Mr. Register explained that this is an ordinance for the annexation of an unplatted piece of real estate adjacent to Highland Village, on the south side of Whitehall Pike and West of Curry Pike.

Councilman Towell moved that Ordinance No. 72-67 be introduced and read by the Clerk by title only and posted for two weeks as required. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

No. 72-67 - Annexation (Willow Manor)

Grace Johnson read Ordinance No. 72-67 by title only.

Mr. Register explained that this is the result of a written request dated May 6, 1971, by United Leasing Company, the owners of the housing for the elderly, Willow Manor.

Councilman Towell moved that Ordinance No. 72-68 be introduced and read by the Clerk by title only and posted for two weeks as required. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

No. 72-68 - Annexation
(North Fee Lane)

Grace Johnson read Ordinance No. 72-68 by title only.

Mr. Register explained that this is a request by Mrs. L.E. Scepter that her home on North Fee Lane be annexed. This is by the university swimming pool.

Councilman Mizell said that he wanted to congratulate all these people on their good citizenship, for requesting annexation.

Councilman Ackerman said that although he has often been critical of the failure of businesses to cooperate with the City, in beautifying the City, particularly the area around the College Mall. He said it is very refreshing to take note - and he thought the City should take note - of cases where cooperation between the City and citizens groups and business does take place. Indiana Bell was laying some new cables east out of town which necessitated their tearing up the sidewalk on High Street between Hunter and Third Street. They had received approval from the engineers and were about to replace the sidewalk at the same place which was right adjacent to High Street right at a time when there was a lot of public concern that the sidewalks be set back. Councilman Ackerman said that at considerable cost to Indiana Bell for re-engineering it and, cooperating with the engineering department and with the local citizens groups, the Rogers PDA sidewalk committee, the Indiana Bell completely reworked that and the sidewalk has been set back considerably. He said there were many high-level executives who got the sidewalk changed just as it was about to be put in on the old location.

REMONSTRANCES AND
ACCOLADES

James Ackerman -
Indiana Bell Sidewalk

Councilman Ackerman said that he thought this should be pointed out and commended.

Councilman Towell moved that the meeting be adjourned. Councilman Mizell seconded the motion.

ADJOURNMENT

THE MEETING WAS ADJOURNED AT 9:15 p.m.,
E.S.T.

Charlotte T. Mietlow
Charlotte T. Mietlow, President

ATTEST:

Amy G. Mann
Amy G. Mann, Secretary

TO THE DEFENDANT:

- (1) You must answer this claim at the City Court, City Hall Annex, 122 South Walnut Street, between 9 A.M. and 12 P.M., Monday through Friday, as set out on Notice to Appear.
- (2) If you have a claim for money arising out of the same transaction or occurrence described in plaintiff's claim, you must file your own claim with the City Clerk.
- (3) You do not need a lawyer now, nor do you need one when your case comes to trial.
- (4) Advise the court of any change in your address or phone number which occurs after you receive this notice.
- (5) You will be notified of the time and date of your trial at least ten (10) days in advance. Be there. Judgment by default may be entered against you if you do not appear at that time.
- (6) Be prepared to defend your case in court with any evidence or witnesses you have. Subpoenas can be issued by the City Clerk for reluctant witnesses.
- (7) You will be notified of the results of your trial in court or within ten (10) days after the trial.
- (8) The decision of this court may be appealed to the Monroe County Circuit Court.

INSTRUCTIONS FOR FILING A SMALL CLAIM

When filing a small claim in the Ploceadigton City Court, remember:

- (1) The claim may be filed with the City Clerk, City Hall Annex, 122 South Walnut Street, between 9 A.M. and 12 P.M., Monday through Friday.
- (2) The cost of filing is \$5, plus a \$1 service charge for each named defendant (payable in cash). This money may be returned to you if you win your case, but not if you lose.
- (3) The small claim form must be typed or printed legibly, in three copies.
- (4) You do not need a lawyer to file a small claim, nor do you need one when your case comes to trial.
- (5) You must know the correct name and address of the defendant. Make sure you are suing the person who is responsible.
- (6) The defendant must live or do business in Monroe County.
- (7) You cannot request more than \$500, and you cannot separate one claim into several suits. If you are entitled to more than \$500, you waive your right to the remainder after you win a judgment.
- (8) If you are suing on an account or a note, you must give the clerk, when filing, a copy of the account or note for the court records, and a copy for each named defendant. Keep the original yourself.
- (9) State your claim against the defendant simply and briefly. You will have an opportunity to explain your claim fully in court.
- (10) Claim only those precise money damages that you believe you can prove in court. You cannot ask damages for pain, suffering, mental anguish, aggravation, etc.
- (11) Be prepared to prove your case with any evidence you have and bring all your evidence and witnesses with you when you come to court. Subpoenas can be issued by the City Clerk for reluctant witnesses.
- (12) Corporations which file suits must be represented in court by a lawyer.
- (13) One person or firm cannot file more than three claims in thirty (30) days.
- (14) You will be notified of the time and date of your trial at least ten (10) days in advance. Arrive on time. If you are not there when your case is called, it will be dismissed.
- (15) Advise the court of any change in your address or phone number which occurs after filing your claim.
- (16) You will be notified of the results of your trial in court or within ten (10) days after the trial.
- (17) The decision of this court may be appealed to the Monroe County Circuit Court.

Name _____
Street and Number _____
City _____
Telephone _____

SMALL CLAIMS

BLOOMINGTON CITY COURT
122 S. Walnut Street
Bloomington, Indiana 47401

Plaintiff

Against

Case No. _____

Name _____
Name _____ Defendant(s)

TO THE CLERK:

Please summon the defendant(s) to appear in court to answer this claim.

STATEMENT OF CLAIM

- Account or Note--Attached Wages _____
 Other _____

Plaintiff asks judgment against defendant for \$ _____, plus interest from _____, 197____, at the rate of _____% and costs of this proceeding.

AFFIDAVIT

_____ state(s) that (he is/she is/they are) the Plaintiff(s) in this proceeding, that the statement of claim is true, that the defendant(s) owe the Plaintiff(s) the amount claimed and (is/are) not now serving in the armed forces of the United States.

Affirmed and signed before me on _____, 197____

Clerk/Deputy Clerk/Notary Public

NOTICE TO APPEAR

To: (1) _____ Defendant (2) _____ Defendant

Street and Number _____ Street and Number _____

City _____ City _____

The Plaintiff(s) ask(s) judgment in this court against you for \$ _____, plus interest from _____, 197____, at the rate of _____%.

You must answer the claim within 20 days, commencing the day after you receive this notice, or Judgment by default will be entered against you for what the plaintiff has demanded. You have 23 days to answer if this notice was received by mail. The answer must be made in court. If judgment is entered against you, your earnings may be garnished or your property may be attached to satisfy said judgment. If your defense is supported by witnesses, account books, receipts or other documents, you must produce them at the trial. Subpoenas for the witnesses, if requested by a party, will be issued by the City Clerk. If you admit the claim but desire time to pay, you may make such a request to the Court. If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in this case.

Clerk/Deputy Clerk
Small Claims Division

CERTIFICATE OF MAILING

I certify that on the _____ day of _____, 19____, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendant(s) at the address(es) furnished by the plaintiff.

Dated this _____ day of _____, 19____.

Clerk Bloomington City Court

RETURN OF SERVICE OF SUMMONS BY MAIL

I hereby certify that service of summons with return receipt requested was mailed on the _____ day of _____, 19____, and that a copy of the return receipt was received by me on the _____ day of _____, 19____, which copy is attached herewith.

Dated this _____ day of _____, 19____.

Clerk Bloomington City Court

CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL

I hereby certify that on the _____ day of _____, 19____, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this _____ day of _____, 19____, and I did deliver said summons and a copy of the complaint to the Bailiff of the Bloomington City Court.

Dated this _____ day of _____, 19____.

Clerk Bloomington City Court

RETURN OF SUMMONS

This summons came to hand on the _____ day of _____, 19____, and I served the same on the _____ day of _____, 19____.

- 1. By mailing a copy of the summons and complaint personally to _____ address _____
2. By delivering a copy of summons and complaint personally to _____
3. By leaving a copy of the summons and complaint at _____ the dwelling or usual place of abode of defendant: _____ (Name of Person)

and by mailing by first class mail a copy of the summons on the _____ day of _____ 19____ to _____ his last known address.

- 4. By serving his agent as provided by rule, statute or valid agreement to-wit: _____
5. Defendant cannot be found in my bailiwick and summons was not served.
And I now return this writ this _____ day of _____, 19____.

Bailiff Bloomington City Court

RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served the within summons:

- 1. By delivery on the _____ day of _____, 197____ a copy of this summons and a copy of the complaint to each of the within named defendant(s) _____
2. By leaving on the _____ day of _____, 197____ for each of the within named defendant(s) _____, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with _____ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.

3. _____

and by mailing a copy of the summons without the complaint to _____

at _____, the last known address of defendant(s).

All done in Monroe County, Indiana.

Fees: \$ _____

Bailiff Bloomington City Court

RESOLUTION No. 72-54

September 21, 1972

BUDGET TRANSFERS

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

DRUG CONTROL COMMISSION

FROM # 11	Salaries and Wages	\$ 200.00
TO # 26	Other Contractual Services	\$ 200.00

PARKS & RECREATION DEPARTMENT

FROM # 11	Salaries and Wages	\$9,350.00
TO # 22	Heat, Light, Power, Sewage and Water	\$3,800.00
# 43	Repair Parts	2,200.00
# 52	Rents	3,350.00
FROM # 62	Retirement & Social Security City's Share	\$1,800.00
TO # 33	Institutional & Medical	\$1,200.00
# 63	Grants and Subsidies	600.00
FROM # 72	Equipment	\$1,000.00
TO # 41	Building Materials	\$ 500.00
# 37	Other Supplies	500.00
FROM # 25	Repairs	\$1,000.00
TO # 37	Other Supplies	\$1,000.00

ENVIRONMENTAL COMMISSION

FROM # 12	Salaries & Wages, Temporary	\$ 900.00
TO #263	Work-Study Account	\$ 900.00

BOARD OF PUBLIC SAFETY

FROM # 21	Transportation & Communication	\$ 400.00
TO # 11	Salaries & Wages	\$ 400.00

BOARD OF PUBLIC WORKS

FROM #262	Hydrant Rental	\$5,600.00
TO # 21	Communication & Transportation	\$1,000.00
# 24	Printing & Advertising	2,000.00
#267	Legal Services	1,500.00
#269	Services Personnel Contractual	100.00

(cont'd.)

Board of Public Works (Cont'd)

# 72	Equipment	500.00
#726	Other Equipment	500.00

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

APPROVED:

September 21, 1972

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

ADOPTED:

Date

September 21, 1972

Resolution No. 72-55

WHEREAS, the City of Bloomington has previously acknowledged its commitment to the orderly growth and planning of the community, to the end that development proceed in the best interests of the present and future population of the City of Bloomington, and with minimal detrimental effect on the environment, and

WHEREAS, the Common Council supports the formation of ad hoc research and study committees to supplement the work of the various departments of City Government, and

WHEREAS, an interdisciplinary committee has been formed, in cooperation with the various departments, schools and research institutes of Indiana University, for the purpose of conducting studies of the City of Bloomington and making projections as to what will happen to the City as it matures,

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Bloomington supports this committee in its efforts to add to our understanding of the developmental processes of the community.

Charlotte T. Zietlow

Charlotte T. Zietlow, President

Adopted: September 21, 1972