

In the Council Chambers of the Municipal Building held on Wednesday May 20, 1992 at 7:30 p.m. with Council President Service presiding over a Regular Session of the Common Council.

Common Council
Regular Session
May 20, 1992

Roll Call: Swain Miller, Service, Kiesling, Cole, Sherman
Absent: Hopkins, White, Fernandez

Roll Call

The agenda summation was given by Service.

Agenda Summation

Approval for the minutes for April 4, 1992 was postponed due to the fact that several Councilmembers had not had time to review them.

Approval of Minutes

Councilmember Miller advised the council of Ordinance 79-97 which states that no new legislation can be introduced before the council after 10:30 p.m. unless it is the will of two-thirds of the councilmembers.

Messages From
Councilmembers

Councilmember Kiesling informed the public of the Solid Waste Hearing on Monday June 1, 1992 at 5:30 p.m. She also informed the public that the Hospice program offered by the Bloomington hospital is presently looking for interested volunteers and anyone interested should contact the hospital for more information.

Councilmember Cole informed the public of the upcoming open house at the John Waldron Community Arts Center. She also discussed an upcoming schedule of classes and exhibits which would be at the art center.

Councilmember Sherman thanked the many people that helped coordinate the Walk, bike, bus and carpool day. He hopes that the upcoming parking and traffic ordinances will serve to help make Bloomington a better city for transportation and finding alternative means of transportation.

Councilmember Service commented and agreed with Millers' earlier statements concerning Ordinance 79-97. She also extended a warm congratulation to Councilmember Fernandez on his marriage.

Mike Davis gave the messages from the Mayor's office. He offered comments concerning the Walk, bike, bus or carpool day. Overall he felt the day was a large success. Four departments had one-hundred (100%) participation for the day. He made note that on this particular day Bloomington Transit reported a five (5) to ten (10) percent increased participation on their busses. On June 4-6 a group of people travelling to Charlotte, NC concerning Bloomington being one of the thirty finalists in the All American City award. Bloomington's committee will present to a selection committee on June 5, 1992. Winners will be announced on June 6, 1992. Star Travel Service will provide a bus for the delegation to North Carolina. Evelyn Powers, attended the meeting as a representative from the delegation. The presentation will include the Arts Center, Vietnam Veterans Memorial and the Convention Center.

Message From
Mayor

Evelyn Powers discussed the strong and weak points of last years application; making this year's new and improved with some important additions and improvements.

Terri Simanton, Chairperson of the Telecommunications Council came forward to talk with the council about the upcoming refranchising agreement.

Simanton introduced some of the other members of this council; they were Keith Klein and Matt Pierce. Also, Mike White was introduced from BCAT. She offered the council a report compiled by Dr. Susan Eastman entitled the Telecommunications Expectations for 2005: A Report on Changes in Cable Prepared for the Bloomington City Council. She went on to explain that the council monitors the franchise agreement, particularly watching out for violations and prompt payments of franchise fees. At their monthly meetings a representative from TCI is usually in attendance to respond to questions and complaints. Matt Pierce, Telecommunications Council member, gave a brief overview of the legal aspects of the refranchising process.

Councilmember Swain asked how many cable companies are currently

operating in this area?

Pierce went on to answer that there are two other cable companies which cover some of the outlying areas.

Councilmember Swain inquired to find out if there were any competitors for this franchise.

Pierce answered that he did not feel there were any sense of competition from other companies. In the future we may have to go out and actively recruit other companies for in order to obtain competitive proposals.

Clerk Williams reminded the council about the update for the municipal code will be coming up soon. This means that the council would have to decide how they felt about the change in the agenda recently adopted.

Larry Hayland, member of MADD, encouraged the council to pass an open container ordinance. He said that Indiana is one of nine states that presently do not have such an ordinance.

Councilmember Sherman asked Hayland the number of cities in Indiana that presently have open container ordinances?

Hayland responded that there were at least fifteen cities which had open container ordinances.

Councilmember Kiesling inquired to see if Hayland had spoken with the County Commissioners and the County Health Board to encourage a county wide commitment to such an ordinance.

Councilmember Sherman asked if the Council Attorney/Administrator could prepare such an open container ordinance for the council.

Councilmember Service went on to explain that a draft of such an ordinance had been passed out in the boxes. Service went on to explain that an ordinance would have to be specialized for Bloomington's needs and a councilmember would have to sponsor the ordinance.

It was moved, seconded and approved by a voice vote that Steve Sanders be appointed to the Human Rights Commission.

Appointments to
Commissions

It was moved and seconded the Ordinance 92-10 be introduced and read by title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that the Ordinance 92-10 be adopted. There was not any committee recommendation and the synopsis was read.

Legislation from
Second Reading

Doris Sims explained that the chief building official will be working out Public Works Code Enforcement division. This position will be one of two that will work directly under Pat Bookwalter. It is anticipated that there will be a reorganization within that department and they will be divided into two separate departments. One will deal with building plan reviewal and site management development and the other which will deal with rental inspections and complaints and unsafe buildings. It was requested that this position be created within the salary grade of 415 and a salary range of 23,664 to a maximum salary of 25,814. The other position is a position within the Human Resources Department, under the Work Force Development division as an Employment Counselor. It was requested that this position also be created within the pay grade of 403 and a salary range of \$18,561 to a maximum salary of \$23,623. This position has come about due to a state requirement under the JTPA Grant which the work force development office operates. It state would create two positions one would be funded through the employment office and the other through the work force development office. This person will be responsible for aiding clients access their skills in finding employment. CM Service asked about the suggestion made concerning the idea of reorganizing the code enforcement division. In specific how has it been working the last couple of months and what needed changed? Ted responded that the office has been presently operating very informally. In last years budget packet under the budget under Code Enforcement that we showed this proposed organizational format. But, with the Code Enforcement manager being a new position we wanted to give her some time to analyze the

city's code and what different cities around Indiana are presently doing and to make sure the pathway we were heading on is the way we want to go. Thus we want to formally adopt this structure and then we will begin to work on a day to day basis within that adopted structure.

Councilmember Sherman responded that he has heard a variety of housing code violations ranging from trash, to the height of grass, and number of people living in a home. When he looks for help in solving some of these matters he typically receives that there is very little that can be done. He is interested in making housing code enforcement more effective and enforceable. Rhinehart responded that the first step to analyze the procedure our organization and our current administrative practices and to get a structure in place with responsibilities to the many different individuals. The next step is to look through the budget process as the appropriate staff levels for each of the positions and from there we need to tighten up ordinances in areas that we feel we don't have the authority in dealing with the many problems that arise.

Mayor Allison explained that there are a great number of man hours which are necessary in investigating these types of complaints. And that through her years with the city she has seen some progress in the area of nuisance laws.

Councilmember Kiesling questioned Sue Wheeler about the money for the second counselor and how much will the second one be paid?

Wheeler responded there is a massive restructuring process going on in the state. Wheeler introduced Shannon Laurent, Deputy Director of Operations to speak in more detail about the position.

Shannon Laurent, explained that presently in the Work Force Development office there are eligibility requirements as to who can receive the counseling. She further explained that the state does not have any eligibility guidelines. So, for the goal of the Human Resources department in Bloomington is to have the ability to reach out to all citizens even if they surpass the eligibility requirements. The center is being funded by 35% of monies meant for dislocated workers, 10% from food stamp monies and welfare recipients and 55% of monies which is called Wagner-Kaiser funding which is the money that operates the employment service.

Councilmember Kiesling questioned Shannon Laurent as to an estimate of how many people clients are these people expected to serve?

Laurent responded that one of the areas, an information resource area, which will aid clients in finding general information about jobs which are currently available and information concerning possible ways of obtaining information about a variety of schools for further enhancement of skills will be about 1500. The clients who will be receiving in depth employment training counseling services will range between 200-300. But, there is not any limit as to how many people can access the information resource center.

The ordinance received a roll call vote of Ayes: 6, Nays: 0

It was moved and seconded that Ordinance 92-6 be introduced and read by title only.

It was moved and seconded that Ordinance 92-6 be adopted. The synopsis was read and the committee recommendation on April 8 was Do Pass 3:2:2 the regular session action on April 15 was to table 6:1 the regular session action on May 6 was to postpone 6:1 and a roundtable discussion on May 13 with a vote of do pass 6:1.

It was moved that in Ordinance 92-6 that we substitute the revised version of the original ordinance on April 8. Then we can speak off of the revised ordinance that we spoke about in the roundtable discussion on May 13.

Councilmember Kiesling offered reasons to the public for the necessary amendments for the final draft to be easier and more effective to implement

and use on a daily basis. From here, Kiesling read the synopsis and gave a brief explanation as to modifications pertaining to the classification of the violation.

Councilmember Sherman volunteered to explain the important changes to the public. First, dealing with the quarterly review so that they can assess the progress within the least amount of time. Second, the Traffic Commission will investigate the feasibility of designing and implementing a pattern of one way streets and one side of the street parking in a portion of the affected area. Thirdly, the area was extended to encompass Atwater which is further to the north. This was done in an effort to make it as unrestrictive in terms of limiting the number of decals available. Each household is entitled to have a decal for each motor vehicle and each dwelling is also entitled to one visitor decal. Proof of residency and principle car is required to obtain the permits. All of this was done in an effort to encourage alternative transportation methods. Violations have been changed from six to ten dollars.

Councilmember Service commented that the fine is now a flat fee instead of having it escalate.

Roll call was called and taken by the clerk for the amendment concerning Ordinance 92-6 5:1.

Councilmember Kiesling suggested that the area be extended slightly to include the three houses on third street. This is included in Amendment H and it is concerns extending the northern boundary from Atwater to Third Street.

Ted Rhinehart responded that there is a very short amount of time from when consideration is taken in the occupancy levels that this will not be able to start in August if the expansion continues.

Dave Holmke responded to Ted and stated that he did agree with his reasoning for including Third Street because it would be large and unyielding. From here Holmke agreed with Councilmember Fernandez in saying that this ordinance would be discriminatory toward the fraternities and sororities.

Bob Gerber, President of the Inter Fraternity Council, told the council of the great need for permit parking on Third street for the Greeks.

Councilmember Sherman questioned Gerber if it would be manageable if there were limitations placed on the number of spaces made available.

Gerber responded that it would not be necessary to offer each member who had a car a parking space.

John Burnham commented that initially this a relatively small restricted area for the Permit Program. Now, this plan has gotten to be a monster which presently could include six hundred structures. Initially it was believed the individual hired for ticketing this area would be able to police three times in a given day. After this plan had grown the plan has grown by 30% and the number of structures by 40%

Councilmember Swain questioned Ted Rhinehart to see if there were side streets between Atwater and Third street that were under two hour parking restriction.

Rhinehart responded that yellow curb could be found at the intersections and none of them should have two hour parking and some have one sided parking.

Councilmember Sherman would still like to see the area be as unrestrictive as possible for the affected people in the area. Students should be included in this particular ordinance in an effort to be unrestrictive.

Councilmember Swain responded that he is anxious for this program to begin and he questions the reasoning for including Third Street as a natural boundary.

Councilmember Service feels there is a logical division of Atwater for the plan. Service feels that there is a need for parking for the Greek houses but the University and the Greek houses should come together for a plan for parking.

Councilmember Kiesling explained that her original meaning for this Amendment was to address the people who would not have parking spaces under the current plan.

Amendment "H" was defeated with a roll call vote of Ayes:3 Nays:3.

For the benefit of the council and the public Ted Rhinehart showed a map of the possible phases for the Neighborhood Parking Plan.

Councilmember Service asked if unannounced visitors showed could a homeowner call into the office to notify the Parking Enforcement officers of the license plates.

Ted Rhinehart responded that it would be possible for owners to call into the office to warn the parking officer of an unexpected visitor.

Councilmember Kiesling asked what would happen to service people come to make a repair on a home in the parking zones?

Ted Rhinehart responded that they could use the visitor parking permit or call into the office and tell the parking enforcement people the home where they are making repairs. All of these items will be discussed in a brochure which will be mailed to all the residents of the parking zone.

Councilmember Swain questioned Rhinehart as to the types of documentation which will be accepted to prove residency.

Ted Rhinehart responded that if there was not any off street parking and you wanted to apply for a permit you could show a lease or a utility bill etc.

Councilmember Kiesling asked what the status was of the southside side commuter parking lot at Bryan Park?

Ted Rhinehart responded that the people involved were very interested.

Charlie Wiand why is expansion just now being mentioned.

Councilmember Service responded that they had discussed expanding the plan. it has continually been stressed that this is a pilot plan and that adjustments have been made.

John Burnham stated he owned fifteen pieces of property and he had not received that survey at any of these locations. Overall, he spoke against the proposal.

Don Gales spoke about non resident landlords attempting to obtain a permit. He questioned the council to see if there were any other cases in which such restrictive parking was exercised on group of people?

Councilmember Service ask Sherman for a summation of the legal wording of the language in the ordinance pertaining to non resident landlords. And responded that there have been other cases of resident parking permit in other cities and it has worked.

Sherman responded that although the language is not specific in the ordinance the intent of the council is clear and it will be permitted.

Andrea Bean, president of the off campus, and she felt the ordinance does not address methods of off campus transportation. She voiced her approval of Amendment H.

Rosalie Roush explained the surveys were distributed door to door thus having them given to the tenants not the landlords. From her memory Roush summarized that the response rate was in the thirties and that there was an overwhelming rate of approval in the respondents, over fifty percent.

Dave Helmke questioned the reliability of the survey due to the small rate of respondents and their positive responses. He offered a statistic which stated that one-half of one percent had a parking problem.

George Ewing told the council that he was encouraged by the Parking Plan and he fully supported it. He made reference to making the streets one way and parking on one side. He is bothered with this type of parking and he felt this would only limit with the efficient flow of traffic.

Councilmember Miller reported that she does recognize that there is a parking problem, but she favored Councilmember Hopkins proposal of parking on one side of the street.

Councilmember Swain commented that the University was not finding alternative methods of transportation. It is his hope that phase one will remedy the parking problems and that it will not have to be additionally expanded.

Councilmember Sherman addressed the parking and safety issues for the resident of the affected area. Non residents will have alternatives to parking in

three months. Councilmember Kiesling wants to have a report by the end of November. She is very interested in establishing an alternative transportation fund. Once again she is interested in finding some relief for the Third Street residents. As with other councilmembers Kiesling encouraged the University to aid in finding alternative solutions to the parking problems. Councilmember Service commented on the survey and in comparison to other surveys the number of respondents is higher than with other surveys. She also commented on the fact that this plan dealt with several issues in the Master Plan. The main idea of the program is to preserve the neighborhoods in Bloomington.

A roll call vote was taken and the final vote for Ordinance 92-6 was Ayes:5 Nays:1.

Clerk Williams reminded the council that it was time to update the Bloomington municipal Code. It is time to discuss the change in the agenda. Councilmember Swain informed the council that he liked the change in the agenda.

Councilmember Miller felt that the council should have the opportunity to come into the meeting fresh and with an uncluttered mind to discuss and vote on important issues. She offered an alternative of having a town hall meeting once a month.

Councilmember Cole stated that she liked the change in the agenda.

Councilmember Kiesling addressed the time limit.

Councilmember Service commented that she has not observed any abuses the past couple of months concerning the change in the agenda.

Evelyn Powers does not like the change in the agenda. She feels that emotional displays before the council will sway their minds.

A roll call vote was called and the vote was Ayes:5 Nays:1.

Dave Porter came before the council and discussed the importance of habitat preservation. Petition

It was moved and seconded that the following ordinances be introduced and read by title only. Clerk Williams read the ordinances by title only. Legislation For First Reading

Ordinance 92-13 To Amend the Outline Plan - RE: Southwest Corner of SR 37 & SR 45 (Wal Mart Stores, Petitioner)

Ordinance 92-12 To Amend Bloomington Zoning Maps from RE to ML- RE: 3598 & 3650 State HWY 45 West (Public Investments Corporation, Petitioner)

The meeting was adjourned at 10:40 P.M.

Adjournment

APPROVE:

ATTEST:


Pam Service, President
Bloomington Common Council


Patricia Williams, Clerk
City of Bloomington