

In the Common Council Chambers of the Municipal Building held on April 20, 1978, with Councilpresident Richardson presiding over a regular session.

COMMON COUNCIL  
APRIL 20, 1978  
REGULAR SESSION

Councilmembers present: Richardson, Allison, Towell, Young, Morrison, Olcott, Middleton, Blume and Kinzer.  
Absent: none.

ROLL CALL

Councilpresident Richardson gave the agenda summation.

AGENDA SUMMATION

Under Petitions and Communications, report from Harold Godsey, Fire Inspector; report from Planning Director concerning flood plain regulations. Also, the quarterly report for the USB and Plan Commission. Under Annual Reports: Police Department, Fire Department and Human Resources. For second reading, Resolution 78-10, To Amend Transit Grant Application; Resolution 78-12, Inducement Resolution on Issuance of Bonds for Bloomington Athletic Club as Recommended by Economic Development Commission; Ordinance 78-11, Traffic Amendments; Ordinance 78-15, Traffic Amendments; Appropriation Ordinance 78-6, To Appropriate Funds from GF, for Animal Shelter and HRD; and Ordinance 78-21, Concerning the Reorganization of the Human Resources Department. For first reading, Ordinance 78-24, Residency Ordinance; Ordinance 78-26, To Amend Title 15 of the BMC by Amending Section 15.64.370, Entitled, "Restricted Parking Zones"; and Ordinance 78-22, To Amend Zoning Maps. Also, the minutes of April 6, 1978.

Middleton said that he has been involved in trying to get the City/County Building Authority formation going. He presented a petition that has been signed by various City and County elected officials. Those that didn't sign seemed to be concerned about a decision on the use of the courthouse. He said there will be a forum on May 22 where all parties could come to present their viewpoints on the authority.

Blume complimented Middleton on the work he has been doing in this area, and said he is convinced that the time is right for formation of the authority. He continued that it is not a partisan issue; the Mayor and Council have supported the concept before, particularly through passage of a resolution of support last September.

Kinzer added her support to the formation of the authority. She said this is something that all Councilmembers feel is very important, and added that she is glad that Middleton took some action in this area.

Allison praised the Herald Telephone for the articles and publicity on the Clean City program. She said that the Board of Realtors will be putting out a pamphlet which outlines the City's ordinances in the area of litter. She also encouraged citizens to license their animals and reported that this can be done through the rabies clinic or at the Animal Shelter.

Olcott said that perhaps the City made the right move in acquiring land off the NW corner of the square if it will get things moving on the block.

Young said something must be done to control the weeds at Lake Lemon. He said it is a fine facility, and that the City should show a more active interest in the problem since Lake Lemon is an alternative water source. He continued that the City owns a great deal of acreage around the lake and perhaps they should consider selling some of this in order to raise funds to clean up the lake. Raising dock fees is another possibility. In conclusion, he said that if the City does not do something soon, they will be responsible for lower property values around the lake.

Morrison reported that he had spoken to an elderly lady who has purchased a private parking permit, but is continuously faced with the problem of other people using the space. The Police Department said they could do nothing about it. He said it is the City's responsibility to make sure that this does not happen, and added that they should have the jurisdiction to tow cars illegally parked in private spaces. He said if the City doesn't enforce this, money should be refunded. If the City keeps the money, they should enforce the ordinance.

Olcott said this problem has been discussed. The City has limited powers in controlling this. He said although 99% of the people obey the signs, there is still a problem. Towing companies will not tow these for fear of prosecution.

There was then a short discussion on this subject, and it was reported that the Legal Department is investigating the matter.

Richardson thanked Pat Gross for the work she has done on investigating the City/County Building Authority, and said that this information has been forwarded to John Irvine and Franklin Richardson. He praised John Irvine for working out a specific plan to meet the City's and County's space needs, and added that he would like to see other proposals put into written form as well. He said he would support a meeting where the formation of a City/County Building Authority could be openly discussed and different alternatives considered. Second, he reported that the Housing Code Committee will meet to discuss proposals and recommendations. Hopefully, these recommendations can be incorporated into next year's budget. Third, he informed the Council of a meeting where the I.U. Alumni Camp on Lake Monroe will be discussed. He urged all interested citizens to attend.

Middleton moved and Kinzer seconded a motion to add Resolution 78-16 to the agenda for second reading, and Ordinance 78-25 to the agenda for first reading. Motion carried by a unanimous voice vote.

AMEND AGENDA TO ADD  
Res. 78-16 - 2nd Rd  
Ord. 78-25 - 1st Rdg.

Tim Mueller reported on flood plain regulations. He said that the regulations are very complicated and they must be adopted by the Council by June 15. The Plan Commission will give the ordinances final reading May 8 and hopefully the Council will pass them on June 1. If the regulations are not passed by that time, the City stands to lose their flood plain insurance and will incur severe penalties. He then presented the maps which show the flood hazard zone, and explained that there are two districts: urban and rural floodways. Urban floodway may have controlled development of any type approved by the Department of Natural Resources. Rural floodway may be used for open space only. The DNR has supplied the information for the maps, and they have the jurisdiction to determine whether any fill will be permitted in certain areas. He said that two ordinances will be before the Council, and they must adopt only one. One of the ordinances is stricter than the other in the area of rural floodways. He urged Councilmembers to contact him if they have questions so that no last minute problems will crop up that may interfere with the deadlines.

PETITIONS & COMMUNI-  
CATIONS

Harold Godsey, Fire Inspector, addressed the Council on fire safety. He reported that in the last year, there have been six fire deaths in Monroe County, while in 1975 there was only one death, and none in 1976. He asked the Council to consider what can be done about these tragedies, especially in view of the fact that Fire Inspectors have no jurisdiction over private residences. He suggested that the City consider issuing tickets to businesses that are in violation of the fire code (i.e., locked fire doors). When there is immediate danger from such a violation, there is nothing they can do without going before a judge for some type of order.

In answer to a question from Richardson concerning what their normal procedure is when businesses don't cooperate in taking care of their violations, Godsey said that they send them a letter stating that they are in violation of the Fire Code. In most cases, they have plenty of time to correct the violation. Richardson then asked the Council Administrator to look into ways that the codes might be enforced, with the possibilities of tickets, fines, closing down businesses that do not comply, etc.

There was then a general discussion concerning the dangers of locking fire doors, complaining to the A.B.C. about violations in bars, etc.

As an addition to Petitions and Communications, Richardson said that the Mayor is asking through an appropriation ordinance for the Council to approve approximately \$24,000 for weed removal in Lake Lemon. He said perhaps those people in the audience wishing to speak to this can come back to the meeting when this will be before the Council rather than spending time talking about it now.

Dewey Goss, a resident of the Lake Lemon area, distributed a copy of a brochure on Lake Lemon, and said that the City has forgotten about them. The weeds have been growing worse for the last three years to the point that the lake is almost near the point of closing down, and he added that camping and boating have decreased substantially each year. He said the residents would be glad to accept a higher boat fee, perhaps in the form of a three-year permit. He said he approved of Young's idea of considering selling the City's land around the lake.

Middleton remarked that the City only owns around 380 acres around the lake. The Department of Natural Resources owns much more in the area. He added that it is difficult to cut a clear line since the property lines are now under water.

Olcott asked Mr. Goss if he would have any objections to draining the lake in order to get rid of the weeds, and Mr. Goss answered that he would not.

Richardson asked that the quarterly reports be postponed until next time.

Owen Cosby, Chief of Police, gave the 1977 Annual Report for the Police Department. He began by saying that the City lost a great Police Chief in Carl Chambers, and it will be difficult to replace him. He said that the department is moving to the areas of crime prevention, and added that Bloomington has not experienced a big increase in the crime rate although case loads are going up each year. He said one area that needs to be concentrated on is accident prevention. In 1977 there were 2,000 accidents with 300 personal injuries and seven fatalities.

ANNUAL REPORTS 1977  
Police Department

Young said he was concerned with drug use in the schools. He asked what the Police Department can do about this.

Cosby said that he has officers working in the schools. They are now in the planning stages of putting an officer in each school with education programs.

Allison thanked Cosby for their cooperation in the area of animal control in the City.

Towell asked if there was an increase in the crime rate when the lights were turned out during the energy emergency, and Cosby said no; however, they did beef up their patrols during that time.

There was then a short discussion about how the nuisance officer does not seem to be enforcing ordinances dealing with trash, garbage cans not being taken in, etc. Cosby said he would look into this.

In addressing Morrison's concern about private parking spaces, Cosby said that the department has never towed cars from a private parking space; however, they are now writing tickets for these violations. Middleton asked if the City has a contract with a towing company, and Cosby said no but the Legal Department is looking into this. He said the property owner can try to get the cars towed, but the City does not do this.

Chief Richard Gose of the Fire Department gave his annual report for 1977. He thanked the Council for listening to Godsey's report on fire safety and said he hopes something can be done about this. He said in 1977 there were 3,547 ambulance calls, which is an increase of 247 over 1976. With fire runs, there were 665 calls, a 3% decrease over 1976. He asked the Council if they had questions, and being none, he ended his report.

Fire Department

Olcott moved and Morrison seconded a motion to approve the 1977 Annual Reports. Motion carried by a unanimous voice vote.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 78-10 by title only.

RESOLUTION 78-10  
Amend Transit Grant  
Application

There was then a discussion on whether resolutions need to be read in entirety, and the Council then voted Ayes: 4, Nays: 5 to read by title only. Nays: Towell, Kinzer, Blume, Middleton and Richardson.

Clerk Dolnick then read Resolution 78-10 in entirety.

Olcott moved and Morrison seconded a motion to adopt Resolution 78-10. Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 7, Nays: 0.

Towell asked how much mileage the busses have on them, and Jim Wray answered about 200,000 each. Most of them are about five years old.

Resolution 78-10 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 78-12.

RESOLUTION 78-12  
Inducement Resolution  
for Bloomington Athletic Club

Clerk Dolnick read Resolution 78-12 in entirety.

Olcott moved and Morrison seconded a motion to adopt Resolution 78-12. Richardson read the legislative synopsis.

Morrison gave the committee report from Community Development and Public Facilities. The Committee recommended Do Pass by a vote of Ayes: 8, Nays: 0.

Middleton moved and Towell seconded a motion to strike paragraph four which states that the Council will not approve other resolutions in this area. Motion carried by a vote of Ayes: 9, Nays: 0. It was reported that the attorney for the petitioner, Steve Richardson, had no objection to deleting this paragraph.

Towell asked if there was anything unusual about this resolution, and France Komoroske, Council Administrator, answered that Ice, Miller, Donadio & Ryan prepared both resolutions for the athletic club and this resolution is nearly identical

to the one passed at the last Council meeting.

There was then a short discussion about a change in the synopsis<sup>re:</sup> liability for the bonds.

Steve Richardson assured the Council that they are not liable for the bonds. There is only one law under which these bonds are issued, and it is clearly stated in the statute that there will be no expenditures of city funds.

Bill Finch, City Attorney, agreed, stating that there is no way the City could be liable.

Steve Richardson added that the bonds will not be signed by the City, but by the partnership,

Kinzer asked if there is any limit to the amount of bonding the City can approve, and Middleton answered the City can approve \$1,000,000 per project.

Young remarked that he hoped that both groups would be successful if they both end up building an athletic club. He said he would like to see EDC Bonds used for many other purposes, including low-income housing.

Olcott said he is very glad to see these bonds utilized.

Steve Richardson explained that the building would be able to be converted if the club were not successful. He said that they are building the same structure for less than the other group, and they have quite a membership already lined up. He noted that there are not very many jobs available for graduates of I.U.'s Parks and Recreation Department, and this type of facility would be an appropriate use of their talents.

Resolution 78-12 was then adopted by a roll call vote of Ayes: 9, Nays: 0, as amended.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 78-16.

Clerk Dolnick read Resolution 78-16 in entirety.

Olcott moved and Morrison seconded a motion to adopt Resolution 78-16. Richardson read the legislative synopsis.

Towell said that this resolution is very similar to the one the Council passed last September, but a great deal has happened since then in this area, including the "Irvine Plan". He continued that support is growing for an Authority, and added that he is very happy to see something constructive in the works. With a push from community leaders, he said we can have a City/County Building. He said that if we hammer away at the Irvine plan without coming up with an alternative, we are doing the community ill service.

Resolution 78-16 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-11 by title only,

Clerk Dolnick read Ordinance 78-11 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-11. Richardson read the legislative synopsis.

**RESOLUTION 78-16**  
To Approve a Meeting  
to Discuss Formation  
of City/County Bldg.

**ORDINANCE 78-11**  
Traffic Amendments  
Stop Int. Blue Ridge

Morrison reported on committee action, noting a Do Pass recommendation of Ayes: 7, Nays: 1 (Morrison). Morrison said he sees no need for additional stop signs, especially at "T" intersections.

Kinzer said yield signs at "T" intersections may be appropriate.

Ordinance 78-11 was then adopted by a roll call vote of Ayes: 7, Nays: 2 (Morrison and Kinzer).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-15 by title only.

ORDINANCE 78-15  
1-way streets & alleys, parallel parking, restr. pkg.

Clerk Dolnick read Ordinance 78-15 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-15. Richardson read the legislative synopsis.

Morrison gave the committee report, with a Do Pass recommendation by a vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 78-6 by title only.

APPROPRIATION  
ORDINANCE 78-6  
From General Fund for Animal Shelter and Human Resources Department

Clerk Dolnick read Appropriation Ordinance 78-6 by title only.

Olcott moved and Middleton seconded a motion to adopt Appropriation Ordinance 78-6.

Council president Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 6, Nays: 1 (Olcott).

With no discussion, Appropriation Ordinance 78-6 was adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-21 by title only.

ORDINANCE 78-21  
Concerning the Reorganization of the Human Resources Department

Clerk Dolnick read Ordinance 78-21 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-21.

Council president Richardson read the legislative synopsis.

Morrison noted the committee report of a Do Pass recommendation by a vote of Ayes: 6, Abstentions: 1.

Allison moved and Middleton seconded a motion to amend Ordinance 78-21 in 2.90.030, Section (b), to add "in the decision making process" to replace "minority issues". Middleton said that this wording would simplify matters.

Ordinance 78-21 was then amended by a roll call vote of Ayes: 9, Nays: 0.

Allison moved and Morrison seconded a motion to amend Ordinance 78-21 in 2.90.050 concerning adding a sentence that would require that all appointees be reviewed should they miss two consecutive meetings.

Olcott argued that this provision may prevent some good people from serving. He said most people cannot attend all meetings, and this amendment would merely be a road-block.

Towell moved and Morrison seconded a motion to amend Ordinance 78-21 in 2.90.050 to read "three" consecutive meetings.

Richardson noted that many Boards and Commissions have one member who will not attend meetings. He noted the importance of good attendance, stating that often petitioners and the public are the ones to suffer from poor attendance on the part of Board members.

Towell said that the Mayor and Council should ask these people to resign.

Blume agreed with Olcott, saying that the ordinance says "may" not "will".

The motion to amend to "three" consecutive meetings was approved by a roll call vote of Ayes: 8, Nays: 1 (Richardson).

Towell moved and Morrison seconded a motion to amend 2.90.060 to delete the section concerning Human Resources Department supervision of the Commission on the Status of Women.

There was then a discussion concerning whether the Mayor or Human Resources Department Director should have supervisory power over the Women's Commission and the EEO officer. McCloskey warned that there could be administrative chaos if the staffs of these departments are not responsible to anyone.

The motion to amend failed by a roll call vote of Ayes: 2, Nays: 7 (Young, Morrison, Olcott, Middleton, Blume, Allison, and Richardson).

Morrison then read an amendment concerning appointments to the Human Resources Commission which would designate which area of town the appointees must reside in in order to serve. He said a HUD official informed him that HUD and HEW will request geographical and target representation on such Commissions. The amendment reads: "The Mayor and Common Council shall each make one appointment from residents of each of the four (4) quadrants of the city (Northeast, Northwest, Southwest, and Southeast) which shall be bounded by Walnut Street and Fifth Street and extend to the corporate limits in each direction. One appointment shall be made by the Mayor from the central core area." Morrison said that it is important to have all areas of town represented, not just the westside and Miller Drive.

Motion passed by a roll call vote of Ayes: 8, Nays: 1 (Young).

Towell moved and Olcott seconded a motion to delete the last two sections of 2,90,060. Motion carried by roll call vote of Ayes: 9, Nays: 0.

Kinzer moved and Morrison seconded a motion to adopt Ordinance 78-21 as amended. Motion carried by a vote of Ayes: 8, Nays: 1 (Towell).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-24 by title only.

Clerk Dolnick read Ordinance 78-24 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-26 by title only.

Clerk Dolnick read Ordinance 78-26 by title only and Richardson read the legislative synopsis.

FIRST READINGS  
Ordinance 78-24  
Re: Residency  
Requirements for  
City Employees

ORDINANCE 78-26  
Traffic Amendment

Olcott moved and Middleton seconded a motion to introduce and read Ordinance 78-22 by title only.

ORDINANCE 78-22  
Amend Zoning re:  
1019~~8~~1023 W. 2nd  
St. RS to BL

Clerk Dolnick read Ordinance 78-22 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-25 by title only.

ORDINANCE 78-25  
Amend Human Rights  
Commission

Clerk Dolnick read Ordinance 78-25 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to approve the minutes of April 6, 1978, as submitted.

MINUTES 4/6/78

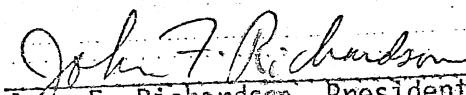
Motion carried by unanimous voice vote.

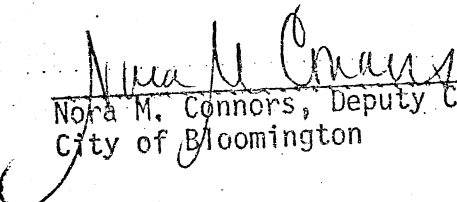
The meeting was then adjourned at 10:45 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

  
John F. Richardson, President  
Bloomington Common Council

  
Nora M. Connors, Deputy City Clerk  
City of Bloomington

nmc

MINUTES APPROVED THIS 15 DAY OF JUNE, 1978.