

In the Common Council Chambers of the Municipal Building held on June 1, 1978, with Councilpresident Richardson presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
JUNE 1, 1978

Councilmembers present: Richardson, Morrison, Towell, Young, Olcott, Allison, Blume and Middleton. Absent: Kinzer (ill).

ROLL CALL

Councilpresident Richardson began the meeting with the agenda summation. He noted that Councilmember Kinzer is ill and cannot attend the meeting. Under quarterly reports, Matt Leffers of the Youth Shelter is to address the Council. 1977 Annual Reports: DPW, Fleet, Transit, Streets and Sanitation Departments. For second reading, Ordinance 78-29, Budget Transfer for the Board of Works; Ordinance 78-34, Voluntary Annexation of Pizza Hut West; Ordinance 78-22, Amend Zoning re: 1019, 1023 W. 2nd Str., RS to BL; Ordinance 78-30, To Provide for Collective Bargaining for Police Dept.; Appropriation Ordinance 78-7, Funds from CC, FRS, GF, LR&S, MVH for capital improvements; Ordinances 78-31 and 78-32, To Amend BMC Concerning Flood Hazard Areas and Special Conservancy Districts. For first reading; Ordinance 78-33, To Amend Zoning Maps re: NW corner of Grant & Cottage Grove RL to RH; Ordinance 78-41, To Amend BMC and Establish New Billing Basis for Utilities; Ordinance 78-36, 37, and 38, Annexation of Sycamore Knolls Sections 11, 12 and 13; Ordinance 78-39, Voluntary Annexation of Pizza Dome; and Ordinance 78-40, Voluntary Annexation of small portion of Spicewood Addition.

AGENDA SUMMATION

Towell addressed the residency ordinance, which was passed at the last Council meeting. He said that the ordinance has no real residency considerations, noting that the ordinance allows employees to live in the county and does not seem to give preference to city residents for jobs with the City of Bloomington. He continued that the ordinance is basically a repeal of the old residency ordinance. With a residency ordinance requiring that employees live within the city limits, it gives the employees better perspective on their jobs since they would have feedback from their neighbors concerning the City's operations.

MESSAGES FROM  
COUNCILMEMBERS

Olcott congratulated Towell on being sworn in as an attorney. He said as far as the new residency ordinance goes, it does give preference to city residents. Second, he called for the City to assist I.U. in any way possible in dealing with Legionnaire's Disease cases. He said it may have an adverse effect on the City's economy.

Allison announced a meeting on Saturday where citizens can come together to help weed the planters around the square. In this way, Operation City Beautiful hopes to improve Bloomington's appearance.

Blume said he is glad to see the City cleaning the sand off the streets, but complained about a truck that picks up the sand and sprays it out the top of the truck. It was noted that this is not a City but a state truck.

Middleton addressed the Legionnaire's Disease cases from Bloomington. He warned that many people in the community are becoming alarmed about it because they don't understand it fully. He noted that Bloomington did have an increase in pulmonary diseases, but not any more than other parts of the country. It is a frightening disease to people because it is not certain how it is transmitted or its cause. The Board of Health is now receiving information for the past four to five years on pulmonary diseases in the area and if anything significant is found, people will be notified. He said I.U. needs the City's help, but they also need to keep calm and keep the citizens informed of what is taking place.

Richardson said he had an opportunity to speak to I.U. President Ryan, and he said that anything the City could do in the way of keeping people informed would be greatly appreciated. Second, he announced a Region Ten meeting where water quality will be discussed. A committee must be formed consisting of 51% elected officials for making recommendations and plans for consideration by the Stream Pollution Control Board and EPA. He asked that Councilmembers contact the Mayor's Office if they are interested. Third, the Landlord/Tenant Committee will meet to discuss recommendations next week. Fourth, he spoke to the cleanliness of the City. He said that considering the hard winter, the City is doing pretty well in their efforts to clean up the streets. He said there is overwhelming concern over the general condition of the City, and said he supports Allison's efforts in this area.

Mayor McCloskey added that many people have been working on beautification by planting trees and flowers. The parking lots are also being improved in this way. A CETA Title VI grant will be submitted next week to help with these efforts. He noted that peer pressure and educational programs are needed on litter, since the City cannot pick up every single piece of litter in town. Second, he noted that some very severe budgetary decisions will need to be made soon, and added that police and fire negotiations are continuing at this time so that the impact on the budget from this has not yet been finalized. Third, in regards to Legionnaire's Disease, he said he had met with Dr. Politti of the Center for Disease Control to discuss this. He said he wasn't notified until Saturday, but said he has learned that there is no proof that Bloomington's cases are unusual in comparison to the rest of the nation. He has appointed Rick Peoples and Stu McClure as liaison to CDC. He continued that he felt that I.U. and CDC could handle the problem with the help of the Monroe County Board of Health as backup. The City has been asked to keep communications open, and they will continue to do so. He added that there should be little negative economic impact if the test results are good. Fourth, he announced that the Local Government Study Committee had their first meeting recently. They have a staff and budget of \$200,000 for two years of research and discussion concerning restructuring local government's relationship with the state. He asked for the Council's input on this. There is also a local task force considering this subject. Finally, the first reading for the bi-annual zoning review will go before the Plan Commission June 5, with final hearing June 26. He said he has around ten major recommendations, and he welcomed the public to the meetings in order to get their point of view across to the Commission.

MESSAGES FROM  
THE MAYOR

Matt Leffers, Coordinator of the Monroe County Youth Shelter, addressed the Council. He explained that the Shelter has been open for six months, with the Council appropriating \$4,100 for startup costs and a City of Bloomington grant for \$29,000. The Shelter houses ten youths, with an average stay being fourteen days, with a few staying for thirty to one hundred days until they are placed somewhere. Most of the youths are dependent, neglected or child abuse cases, with an occasional serious offender. The Monroe County Probation Department has referred forty youths that would otherwise have been placed in jail. This accounts for an 80% cutback in time juveniles are spending in jail. They have received tentative approval of a \$70,000 grant. He added that the Shelter has one of the highest ratings in the midwest, and he asked that the Council continue to support the operation of the program.

PETITIONS &  
COMMUNICATIONS

There was then a short discussion concerning the different youths at the shelter. Leffers noted that he is hopeful that a long-term shelter may be established before too long.

Middleton said he would like to see such a program, stating <sup>that</sup> since the Group Foster Home has closed, there is a significant gap in service to these children. Leffers said he would like to see a six-month treatment center. Middleton said that he is convinced through his experience with criminals as a physician at the jail that a majority of them started committing crimes as youngsters. There must be a program to help get them out of this pattern.

There was then a discussion concerning where a majority of the youths are from, and it was stated that most of the youths come from middle-class families.

Richardson concluded the discussion by saying that it is important that it be understood that the Shelter gives top priority to dependent and neglected children, not delinquents. It is also noted that the Shelter is not a placement agency.

Jim Wray gave the Annual Reports for Department of Public Works, Fleet, Transit, Streets and Sanitation for 1977. He started by saying that in 1977, the Department of Public Works was created, which unified several city departments (Board of Works, Engineering, Environmental Commission, Fleet Maintenance, Rose Hill, Sanitation, Streets, Transit, and Animal Shelter Departments). In the areas of major construction, the City concentrated on the areas of W. First Street storm sewer and Smith Road Phase I, remodeled the municipal building, expanded the youth shelter, designed three traffic signals, fixed the wall of Rosehill Cemetery to smooth out the sharp curve on Fifth Street, constructed the bus shelter on Washington at a savings of \$12,000 over contractor's bids, and worked on the East-West Corridor Study. They studied the I.U.-central business district, made Fleet Maintenance a City department, and negotiated for land off the northwest corner of the square. The Board of Works was involved with establishing truck routes, old library sale, working on new street construction standards, and employee health insurance. In addition, they reviewed the City's recycling program, upgraded 273 street lights (replacing them with mercury vapor lamps), etc. The 1979 budget is up 25% for street lighting. Bloomington Transit had 486,000 riders over 317 days of operation. The UMPTA grant is again being revised and will be back before the Council. A bus garage is to be built with the grant funds, along with purchase of larger busses and two wheelchair busses. He noted that Indiana University is not interested in pursuing a joint transfer system. They will agree to passes valid for both bus systems, however. In the Street Department, the crews are busy resurfacing and patching streets. 182 blocks have been resurfaced or patched to date. Fleet Maintenance will soon be acquiring larger fuel tanks and will have better accounting of gasoline used by departments through a magnetic card system. They have made a \$5,000 profit out of a budget of \$300,000. The Sanitation Department is now picking up trash twice a week until November. They are making minimal special pickups, but people are still putting brush out on the street.

1977 ANNUAL REPORTS  
DPW, Fleet, Transit,  
Streets, Sanitation

Allison noted that the City will not pick up brush unless it is bundled in four-foot bundles.

In answer to a question from Councilmember Young concerning possible completion date for the bike path along the railroad, Jim said it is doubtful that the path will be finished along the present route. The State Highway Department has said that pedestrians and bicyclists must be separated. The Pete Ellis extension may be a good bike path. He noted that the Pete Ellis extension will be on the Plan Commission agenda soon.

There was then a discussion concerning the east-west thoroughfare. Wray explained that the the current study covers Third Street from bypass to bypass. The exact location of the extension west of Rogers has not been determined. Third and Atwater will remain one-way streets.

There was a question concerning street lights in Old Windemere, and Wray said the lights should be installed very soon.

Olcott asked where complaints concerning Cable TV should be directed, and Wray answered that the Board of Works would take these as would Claire Gregory of the Telecommunications Council.

In answer to a question from Richardson, Wray said that he anticipates delivery of the trash cans very soon. They are now in transit. The cans were ordered two months ago.

Wray reported that the storm sewer crew has been working very hard on cleaning up the lines. Capital improvement appropriations will be needed later to repair the storm sewers. Now, they are concentrating on cleaning them out.

Middleton moved and Olcott seconded a motion to approve the annual report as submitted. Motion carried by unanimous voice vote.

Allison thanked Indiana Bell Telephone for their \$50 contribution to the Clean City Campaign.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-29 by title only.

ORDINANCE 78-29  
Budget Transfer  
Board of Works

Clerk Dolnick read Ordinance 78-29 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-29. Richardson read the legislative synopsis.

Blume gave the committee report, noting a Do Pass recommendation.

Ordinance 78-29 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-34 by title only.

ORDINANCE 78-34  
Annexation of  
Pizza Hut West

Clerk Dolnick read Ordinance 78-34 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-34. Richardson read the legislative synopsis.

Blume gave the committee report. The committee recommended Do Pass.

Ordinance 78-34 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

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

ORDINANCE 78-22  
Amend Zoning  
1019, 1023 W. 2nd  
RS to BL

Clerk Dolnick read Ordinance 78-22 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-22. Richardson read the legislative synopsis.

Blume gave the committee report from May 10, with a Do Pass recommendation.

Olcott moved and Morrison seconded a motion to amend Ordinance 78-22 to allow for a new legal description that would extend the line to Walker Street. Mueller explained that there are two houses, with one zoned residential and one zoned commercial.

Ordinance 78-22 was then amended by a roll call vote of Ayes: 7, Nays: 1 (Towell).

Blume explained that when the Plan Commission heard this case, they asked that both houses be rezoned. He said he feels this is a reasonable compromise.

Ordinance 78-22 was then adopted by a roll call vote of Ayes: 7, Nays: 1 (Towell, who said he did not know enough about the ordinance to vote for it).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-30 by title only.

ORDINANCE 78-30  
Provide for Col-  
lective Bargaining  
for Police Officers

Clerk Dolnick read Ordinance 78-30 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-30. Richardson read the legislative synopsis.

Blume gave the committee report, noting a Do Pass recommendation. The committee asked that the Police Department be represented at this meeting.

Towell commented that it looked like a very comprehensive ordinance. He asked what areas are covered under the ordinance.

Mayor McCloskey said that basic management rights (promotion, assignment of personnel, etc.) are covered. He said that these can be negotiated away unless they are included.

Towell said the ordinance puts the Council under pressure in that they should be included in on the negotiations from the beginning. He said he recently read an Indiana Association of Cities and Towns booklet which said this. He said this provision should be included in the ordinance.

Mayor McCloskey responded that he was open to suggestions on this. He noted that the Council informally voted to have the executive branch on the negotiating team. He added that the Council's Administrator, France Komoroske, is also present during the negotiations.

Richardson said that the Council had made a decision that the Council's Aide would sit in on negotiations. They decided that this year the Council would not be directly involved with this.

Allison said she attended a conference which stressed how important unification between the Council and Mayor is in this area. A unified front is essential in negotiations.

Richardson said it can be the Council's option to designate someone to sit in on negotiations each year.

Middleton moved and Towell seconded a motion to amend the ordinance to add "Common Council" as well as the Mayor will designate representatives on the bargaining committee.

Dexter Luck, representing the Police Department, said that he does not think they can discuss this tonight since he would have to discuss this amendment with his men. He explained that they have an agreement with the city, and have been bargaining with the Mayor's designees up to now and things have been going smoothly.

The Council then took a five minute break.

Dexter Luck said he did not think he would be in favor of the amendment, particularly since the Council had said before that it is the Mayor's responsibility. He continued that negotiations have taken a long time to set up and are proceeding smoothly to date. He said he is not adverse to having a Councilmember sit in on negotiations.

Middleton said the Council is responsible by statute for police and firemen's salaries. By not agreeing to Council representation, the police are denying the Council their rights in this area. He said he would not want the Mayor to be omitted all together, but the Council should be represented.

Bill Finch, City Attorney, addressed the Council. He said that the amendment may be a problem in future years since the state statute concerning the power to set salaries is not clear in that it rests solely with the Council. The power to appropriate is also not clear. Neither the State Board of Accounts or Attorney General are willing to address this problem. He warned that there may be a potential conflict if the Council negotiates a salary rate that the Mayor may not appropriate the funds for. He urged the Council to pass the ordinance tonight in order for the City to continue negotiations. The administration has been carrying on negotiations on the assumption that the Council approved of the makeup of the bargaining committee.

Mayor McCloskey agreed and said that it would put the administration in a very awkward position if the ordinance were not passed tonight, and said they may even reach an impasse without the ordinance. He asked that the Council pass the ordinance with a pledge from him that he will be open to review the ordinance at a later time after this year's negotiations are completed. This would also give the police a chance to talk this over with each other.

Richardson noted the importance of passing the ordinance. He said the Council has the choice of tabling the ordinance or passing the ordinance with revisions being considered at a later date. Amendments are not appropriate tonight since the police need to discuss them among themselves to see if the amendments are acceptable.

Young said he would like to vote on the ordinance as is.

Olcott agreed and said that he would be against an amendment tonight, mainly because of possible adverse reaction from the police. He said it is not going to be easy to get the Council to agree on their representative for negotiations, noting that the nine Councilmembers probably have nine different ideas on what would be reasonable.

Towell suggested that the Council and Mayor agree on their representatives in an executive session. It is important to have Council representation so that there are no "end runs" during negotiations.

Mayor McCloskey repeated that amendments would have to go back to the police negotiating committee. He said that the police have been working very hard on negotiations, and the City has agreed to negotiate in good faith. In order not to jeopardize the City's credibility with the police, he urged the Council to pass the ordinance tonight and consider amendments in the fall.

Dexter Luck added that he could go along with Council representation, particularly since the agreement must ultimately be approved by the Council. However, he said it is important that this year they continue negotiations with the Mayor's designees so as not to drag out the process any longer than necessary.

Blume moved and Middleton seconded a motion to table the amendment to Ordinance 78-30.

Motion carried by a vote of Ayes: 8, Nays: 0.

Towell said this is an example of what happens if the Council is not in on the development of the agreement and negotiations. In this situation, the Council is under pressure to pass the ordinance without input from the beginning.

Mayor McCloskey said the ordinance has been through committee with no objections and the Council has had the ordinance for some time. The administration has been dealing in good faith.

Blume said Towell has a good point, but he would rather see amendments made at a later date.

Ordinance 78-30 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 78-7 by title only.

Clerk Dolnick read Appropriation Ordinance 78-7 by title.

Olcott moved Morrison seconded a motion to adopt Appropriation Ordinance 78-7.

Blume gave the committee report, and said that the committee voted on the ordinance by section, with a Do Pass recommendation for all sections by a vote of Ayes: 6, Nays: 0. He then noted that the Controller informed them at the committee meeting that the appropriation for Monroe Tobacco has been deleted and the Winslow Park Study has been changed to Dyer School Area Improvements.

Middleton moved and Morrison seconded a motion to adopt the amendments as recommended, Motion carried by a unanimous voice vote,

Jim Wray, Coordinator of the Department of Public Works, noted one other item. The Mag-Card typewriter will be leased instead of purchased so the City can see whether the machine is valuable for them. Towell commented that mag-card typewriters are obsolete, and the City should consider some alternative machine,

Blume asked a question about transferring lights to Ninth Street park and whether this would take lighting away from other parts of town,

Bill Wilson, Director of Parks and Recreation, explained that these will be lights taken from other areas where these are being replaced. Ninth Street park will then receive additional lighting which is badly needed. The new lights will be covered so that they will not have to be turned off as soon as it begins to rain.

Richardson then went through the ordinance by section asking for comments from the Council, and being none, he called for the roll,

Appropriation Ordinance 78-7 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-31 by title only,

Clerk Dolnick read Ordinance 78-31 by title only,

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-31.

APPROPRIATION  
ORDINANCE 78-7  
Funds from Cum.  
Cap., FRS, GF,  
LR&S, MVH

ORDINANCE 78-31  
Concerning Flood-  
ways



Blume gave the committee report, noting a split vote for a Do Pass recommendation of Ayes: 3, Nays: 3. He explained that there was not enough support from the Plan Commission to pass Ordinance 78-32, although he personally favored the ordinance.

Morrison asked why the City requires stricter requirements than the Department of Natural Resources (DNR).

Tim Mueller, Planning Director, said that first, the DNR is concerned with obstructions, not displacement. The Plan Department is concerned that they are not considering the effects of flooding downstream through filling of land upstream. Second, the state has geared these requirements for the entire state. Ordinance 78-31 allows local governments to take a closer look at their land to determine whether it can withstand development. The Plan Commission is willing to be flexible in urban floodways, but is more concerned about open space with no street frontages. When Morrison asked which ordinance Mueller preferred, he replied that he personally favors 78-31.

Discussion then ensued concerning whether seven votes would be needed to pass Ordinance 78-32. Towell contended that he did not think the Council would need seven votes. Mueller informed the Council that this is the opinion of Deputy City Attorney, Alice Craft.

Olcott said he had spoken to members of Senator Lugar's staff and they inform him that Bloomington cannot adopt stricter regulations than the DNR's. All other cities have patterned their ordinances after DNR's.

Mueller said 78-32 is merely the minimum necessary to meet state and federal regulations.

Blume questioned adoption of Ordinance 78-31, stating that DNR has more information than the City on the effects that fill may have in open space. He said he sees no need for a stricter ordinance.

Towell said that zoning is one of the few areas over which local governments exercise control, and this flood plain ordinance fits in with this. The DNR does not have zoning concerns - this is left to communities to determine.

Olcott contended that the City can control development in these areas through zoning without involving floodways in the process.

Allison noted that Kinzer asked her to inform the Council that she favors Ordinance 78-31. She said she does not favor building in floodways without zoning changes.

Middleton said he favors Ordinance 78-31. He said it is not more restrictive. On the contrary, it gives local governments more control of development in their area. It also gives individuals interested in building more reasonable ideas of what to expect from the City.

Mueller noted that Alice Craft made several small changes in the ordinance, mainly clerical corrections.

Olcott said that the flood problem here is not as bad as in some areas. He continued that no one will try to build in an area where the DNR would not approve of it. Second, they could not get insurance if they were to build in a floodway.

Middleton moved and Olcott seconded a motion to adopt the small amendments submitted by the Legal Department. Motion carried by a roll call vote of Ayes: 7, Nays: 0. (Young had left by this time).



Ordinance 78-31 was then defeated by a roll call vote of Ayes: 4, Nays: 3 (Morrison, Olcott and Blume).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-32 by title only.

ORDINANCE 78-32  
Concerning Flood-ways

Clerk Dolnick read Ordinance 78-32 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-32.

Middleton introduced the amendments submitted by the Legal Department, and Towell seconded a motion to adopt them.

Motion carried by a roll call vote of Ayes: 7, Nays: 0.

Ordinance 78-32 was then defeated (lack of seven votes to override Plan Commission decision) by a roll call vote of Ayes: 6, Nays: 1 (Richardson).

Richardson announced that the Council could possibly hold a special meeting to consider these ordinances again before the June 15 deadline for passage.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-33 by title only.

FIRST READINGS  
Ordinance 78-33  
Amend Zoning Maps  
NW corner Grant  
& College RL to RH

Clerk Dolnick read Ordinance 78-33 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-41 by title only.

ORDINANCE 78-41  
Establish New  
Billing Basis for  
Water Utility

Clerk Dolnick read Ordinance 78-41 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-36 by title only.

ORDINANCES 78-36 -  
78-40 Voluntary  
Annexations of  
Adjacent & Con-  
tiguous Territory

Clerk Dolnick read Ordinance 78-36 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-37 by title only.

Clerk Dolnick read Ordinance 78-37 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-38 by title only.

Clerk Dolnick read Ordinance 78-38 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-39 by title only.

Clerk Dolnick read Ordinance 78-39 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-40 by title only.


Clerk Dolnick read Ordinance 78-40 by title only and Richardson read the legislative synopsis.


The meeting was then adjourned at 11:15 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

  
John F. Richardson, President  
Bloomington Common Council

  
Nora M. Connors, Deputy City Clerk  
City of Bloomington