

In the Common Council Chambers of the Municipal Building held on March 3, 1977 in Regular Session, with Councilpresident Middleton presiding.

REGULAR SESSION
COMMON COUNCIL
March 3, 1977

Councilmembers present: Morrison, Towell, Young, Kinzer, Middleton, Blume, Olcott and Richardson.
Absent: De St. Croix (out of town on business)

ROLL CALL

Councilpresident Middleton began the meeting at 7:35 p.m. with the agenda summation. Annual Reports from Mayor - State of the City Address, and the 1976 Report from the Police Department. Under Petitions & Communications, Approval of 1977 Yellow Cab License. For Second Reading: Resolution 77-11, To Approve Residential Water Customers Billing at the 1976 rates for January and February 1977; Resolution 77-12, Temporary Loans; Appropriation Ordinance 77-3, To Appropriate Funds from FRS Trust Fund to FRS Fire Dept. re: Purchase of a 4-wheel drive emergency vehicle; Appropriation Ordinance 77-4, To Appropriate Funds from FRS Trust Fund to Transit Department; Ordinance 77-16, To Amend Zoning Maps (ZO-5-77), re: 1024 W. Seventh Street from RS to RL for duplexes; Ordinance 77-17, To Amend Zoning Maps (ZO-4-77) re: 516 W. Fifteenth Street RS to RL for duplexes; and Ordinance 77-20, Salary Ordinance for Deputy City Clerk Council Office. For First Reading: Appropriation Ordinance 77-5, To Appropriate Funds from FRS Trust Fund to Human Resources Department re: Health Services Bureau; Ordinance 77-19, Budget Transfer for Board of Public Works for MVH Insurance; Ordinance 77-21, To Amend Zoning Maps (ZO-8-88) re: Storage Unlimited, Old SR 37 from BA to ML; Ordinance 77-22, To Re-enact Bloomington Municipal Code, entitled Parking Permits; Ordinance 77-23, To Require a Fiscal Impact Statement with Legislation; and Ordinance 77-24, To Amend Zoning Maps (ZO-52-76) re: Bennett Stone Company, SR 37 North, RE and SC/RE to ML. Also the minutes of February 2 and February 9, 1977.

AGENDA SUMMATION

Councilmember Young requested that Mayor McCloskey, in his address, explain why he thought the law suit against Governor Bowen would benefit the citizens of Bloomington.

MESSAGES FROM
COUNCILMEMBERS

Councilmember Blume said that he hoped the Mayor would follow through with his promises to accept Workingman's offer to buy the Old Monroe County Library, to which the Council had given its support.

Councilmember Olcott applauded the efforts of the Utilities Department and Utility Director Coulter for their work during the past few weeks to alleviate the problem of frozen water pipes in the midst of a very harsh winter.

Councilmember Richardson thanked Mayor McCloskey and Ed Howell for their work and support for the Youth

Shelter Facility. He said that the funding sources still need to be worked out, but that he is very pleased with the progress being made, noting that the County Council seemed very receptive to the proposal at their last meeting.

Councilpresident Middleton reported that the Petition to Form a Solid Waste Disposal District has been filed with and approved by the Indiana Stream Pollution Control Board. He also discussed the function of the Human Rights Commission and the Council's procedures in interviewing and selecting new members for the Commission.

Councilmember Blume gave the Public Facilities Committee Report on appointments to the Human Rights Commission, noting that 13 applicants were interviewed. He detailed the process by which the original total of 27 applicants were screened. He noted that the Committee nominated the following persons to the Commission: Ron Foley, Frederick La Cava, Christine Mitchell, and Margaret Tuke. These four were unanimously approved by the Council as the result of a motion by Councilmember Blume, seconded by Councilmember Richardson.

Councilmember Kinzer gave her approval of the new appointments to the Commission, but added a suggestion that William Webster, who has been working with the Commission, be reappointed. Due to a lack of a second, the motion died.

Approval of the appointments was then given by UNANIMOUS VOICE VOTE. Councilmember Blume and Councilpresident Middleton lauded the quality of all applicants and encouraged them to apply for vacancies that would open up a year from now.

Mayor McCloskey then gave his Annual State of the City Address, in which he noted the importance of increased cooperation with private investors in the interest of creating more jobs; stated that he would recommend the hiring of an Economic Development Coordinator; urged the County to consider the merger of the City and County Planning Departments; said he favored Ordinance 77-23, To Require a Fiscal Impact Statement with Legislation; said he expected construction to begin on the new South Sewage Treatment Plant in 1978; noted that he plans to sell the Old Library to Workingman's, and finally, urged the Council to give him authority to negotiate for the NW corner of the Square. There was some discussion regarding the feasibility of bringing suit against the state in the property tax issue. He also asked that all Boards and Commissions meet during the evening hours so that citizens could attend after working hours.

MESSAGES FROM THE
MAYOR 1976 State
of the City
Address

Councilmember Towell asked that the City look into the purchase of a computer for City operations.

He added that the City does have an opportunity to negotiate with the school district for mutual use of one center at a much lower price. He also said that the City has inadequate housing programs, and the City needs to take a new direction in the area, perhaps on the model of Louisville. He also asked for greater consideration of the Second District in the area of parks, as they have very few. He noted that the new park bond issue does not include the second district. He said he was not pleased to have an additional downtown meeting to justify a parking garage, as it had already been agreed to by all parties involved. He said that the need was not in question, as parking studies have already been done, the people in the downtown want it and need it.

Mayor McCloskey answered that there has been new information on the subject, particularly on the price. He said "it is the most reasonable thing in the world" to have one more meeting with experts attending to offer different perspectives on cost, need and community resources.

Carl Chambers then gave the Annual Report from the Police Department, noting that the report is printed on page 39 of the manual. He said that in 1976 the Department went into team policing concepts and policemen are now assigned to particular neighborhoods so that they can get to know the problems of the area and get to know the people. The crime statistics for Bloomington show that the crime rate is increasing, but the number of crimes solved are also increasing. The Department is working with the Governor and State Police on crime prevention programs. They are working with the F.B.I. on their crime resistance program. He said Officers are now trained to take cases from the point when they receive the call all the way through prosecution. In this way, they see the results of their work and are proud of it, adding that the moral of the Department has never been so high.

POLICE
DEPARTMENT
ANNUAL REPORT

The Council then approved the Police Department report by a unanimous voice vote.

Councilmember Blume explained that the Yellow Cab Company requires Council approval for the renewal of their license for 1977. All the inspections have been done, and everything seems in order. He then moved and Councilmember Olcott seconded a motion to approve the license of the Yellow Cab Company for 1977. Unanimous approval of Council.

PETS. & COMM.
1977 License
for Yellow Cab

Councilmember Kinzer then read a letter from Debbie Horning of the Womens Commission re: Public Forums (copy in minutes.)

Councilmember Richardson moved and Councilmember Morrison seconded a motion to introduce and read Resolution 77-11 in entirety.

RESOLUTION 77-11
Approve Residential Water Customers Billing at 1976 levels

Clerk Dolnick then read Resolution 77-11 in entirety.

Councilmember Blume moved and Councilmember Morrison seconded a motion to adopt Resolution 77-11.

Councilmember Young noted that the Utility Department will be coming up short of funds this year partly because of all of the money spent on thawing pipes.

Councilmember Kinzer recommended that Resolution 77-11 be passed so that the Council might honor a previous public announcement suggesting the possibility of a billing adjustment.

Councilmember Blume then read the legislative synopsis, noting the Committee's unanimous approval of the resolution with a vote of 6 to 0. He noted that an amendment was recommended stating that "any individual who feels that their water rates warrant additional adjustment may appeal to the Utilities Service Board's Appeal Committee as set out in Section 10 of the Utility Rules and Regulations." He then moved that Resolution 77-11 be amended to include this addition. Councilmember Kinzer seconded.

Mr. Paul Coulter, Director of Utilities, noted that money was saved by allowing the citizens to run their water continuously to avoid freezing. He indicated that an additional 80 million gallons of water were used during January and February of 1977 compared to 1976, with a production cost of \$9,600. Noting that the cost of thawing out a pipe was about \$500, he concluded that money was saved by preventing 20 freeze-ups.

Councilmember Young then asked Mr. Coulter how much had been spent to thaw out pipes. Mr. Coulter replied that through the last payroll period, counting the services of Ralph Rogers Company, \$112,000 had been spent. Councilmember Young further asked if Utilities could pay the bill. Mr. Coulter stated that the bills had been paid by taking money out of other funds or appropriations. He estimated that ultimately the total claim would cost between \$150,000 and \$160,000, and that, if forced to, Utilities could draw from a \$200,000 appropriation for Main repairs and replacements for 1977. He indicated that a request for funds had been made to Governor Bowen, who in turn had made the same request to President Carter, without success.

The amendment was reread by Councilmember Blume, and adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Kinzer then moved that Resolution 77-11 be approved as amended.

Mr. Ed Morris, a property owner in the City, came forward and spoke to the question. He commented that by giving the public a five to six dollar break on their water bills, money would have to come from other sources, such as taxes, to cover the expense of repairing broken pipes. He suggested that perhaps the public might prefer a slightly higher water bill to a permanent tax increase.

Councilmember Kinzer responded that the Utilities is self-supported, not tax-supported. She added that the suggestion to leave water running had indeed paid off. General discussion resulted.

Resolution 77-11 was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Richardson moved and Councilmember Towell seconded a motion that Resolution 77-12 be introduced and read by title only.

Clerk Dolnick then read Resolution 77-12 by title only.

RESOLUTION 77-12
Temporary Loans
re: From Local Road
and Street Fund to
Parks and Recreation

Councilmember Blume moved and Councilmember Kinzer seconded a motion that Resolution 77-12 be approved.

Councilmember Blume then gave the Committee Report,

noting a DO PASS recommendation of 6 to 0.

Resolution 77-12 was then passed by a ROLL CALL VOTE of Ayes: 8, Nays:0.

Councilmember Richardson then moved and Councilmember Morrison seconded a motion that Appropriation Ordinance 77-3 be introduced and read by title only.

APPROPRIATION ORDINANCE 77-3

To Appropriate Funds from Federal Revenue Sharing Trust Fund to FRS Fire Department re: Purchase of 4-wheel drive emergency vehicle

Clerk Dolnick then read Appropriation Ordinance 77-3 by title only.

Councilmember Morrison then moved and Councilmember Olcott seconded a motion that Appropriation Ordinance 77-3 be adopted.

Councilmember Olcott then gave the Committee Report and read the legislative synopsis. He noted the the Ordinance received a Do Pass recommendation.

Appropriation Ordinance 77-3 was then passed by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Richardson then moved and Councilmember Morrison seconded a motion that Appropriation Ordinance 77-4 be introduced and read by title only.

APPROPRIATION ORDINANCE 77-4

To Appropriate Funds from Federal Revenue Sharing Trust Fund to Transit Department

Clerk Dolnick then read Appropriation Ordinance 77-4 by title only.

Councilmember Morrison moved and Councilmember Blume seconded a motion that Appropriation Ordinance 77-4 be adopted.

Councilmember Blume then read the legislative synopsis and gave the Committee Report, noting a DO PASS recommendation. He noted that Jim Wray, Director of Transportation, had reported that Bloomington Transit would cease to operate at mid-year under present funding.

Councilmember Olcott added that Mr. Wray further stated that a technical study is being developed relating to the future of Bloomington Transit.

Appropriation Ordinance 77-4 was then passed by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Richardson then moved and Councilmember Morrison seconded a motion that Ordinance 77-16 be introduced and read by title only.

ORDINANCE 77-16

To Amend Zoning Maps (ZO-5-77) re: 1024 W. 7th St. from RS to RL for duplexes

Clerk Dolnick then read Ordinance 77-16 by title only.

Councilmember Morrison then moved and Councilmember Blume seconded a motion to adopt Ordinance 77-16.

Councilmember Olcott then read the legislative synopsis and gave the Committee Report, noting a Do Not Pass vote of Nays: 3, Ayes: 0, which was in accordance with the Plan Commission recommendation to deny the requested change of zoning. The chief objection was that the site was too small for duplexes.

Councilmember Morrison, ~~Councilmember~~ of the Westside, commended the petitioner for his willingness to spend money to improve the Westside. He noted that he shared reservations over the inadequate size of the lot, but urged the Council to exercise common sense and approve the zoning on 77-16 and 77-17, since it is very difficult to find anyone in Bloomington who

is willing to invest money to upgrade the Westside.

Councilmember Blume commented that he voted against the proposed rezoning in the Committee because of the Plan Commission's recommendation. He noted that the Committee had voted in favor of rezoning the adjacent property (Ordinance 77-17). Upon visiting the property in question, he indicated that he found it suitable for the proposed development, and noted that he would like to change his Committee vote. Councilmember Towell then reminded the petitioner that 7 votes are required to override the decision of the Plan Commission and that only 8 Councilmembers were at the present meeting. It was mentioned that if the zoning amendment failed, the petitioner could not reapply for six months. Councilmember Young spoke of increasing interest in additional housing in the City, especially on the part of Councilmember Towell, the Mayor, and others.

Councilmember Kinzer asked for figures detailing the discrepancy between the size of the lot in question and the lot size required in the Zoning Ordinance. Stu Reller of the Plan Department then indicated that 10,000 square feet for RL, is required under the Zoning Ordinance, and that the lot in question had an area of 8,550 square feet. In the discussion that followed, it was suggested that a single family residence might be built on the property. In recognition of the need for low-cost housing, Councilmember Blume supported the original plan to construct a duplex, even if a re-evaluation of lot size specifications was necessary.

After continued discussion, Councilmember Towell said that if a deviation from the specifications was allowed in this case, that the same would have to be done for other people. He suggested that properties should be assembled and an overall plan created for them, perhaps under a PUD.

Councilmember Richardson noted ^{that} serious policy implications involved, and suggested that the Zoning Ordinance be tabled. Councilpresident Middleton then asked the petitioner whether or not tabling would seriously impede his plans. The petitioner replied that it would not.

Councilmember Richardson moved and Councilmember Young seconded a motion to table Ordinance 77-16 until policy implications can be investigated.

Ordinance 77-16 was then tabled and sent back to Committee by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Richardson moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-17 by title only.

ORDINANCE 77-17
To Amend Zoning Maps
(Z0-4-77) re: 516 W.
15 St, RS to RL for
duplexes

Clerk Dolnick then read Ordinance 77-17 by title only.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to adopt Ordinance 77-17.

Councilmember Olcott then read the legislative synopsis and gave the Committee Report. He noted that the Plan Commission denied the requested change of zoning, and that the Committee voted 2 to 1 to override the Plan Commission's recommendation, their reason being that the property was only 60 feet shy of the Ordinance's specifications.

Councilmember Morrison noted that there are very few single residences in the area and urged a Do Pass vote.

Ordinance 77-17 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 1. Nays: Towell.

Councilmember Richardson moved and Councilmember Howell seconded a motion that Ordinance 77-20 be introduced and read by title only.

ORDINANCE 77-20
Salary Ordinance re:
Deputy City Clerk/
Council Office

Clerk Dolnick then read Ordinance 77-20 by title only.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to adopt Ordinance 77-20.

Councilmember Blume then read the legislative synopsis and gave the Committee Report. He remarked that there would be a savings by having only one staff person rather than two. In the Committee, there was a vote of Ayes: 5, Nays: 0 for Do Pass. He added that at the Committee meeting he asked that the classification be reviewed by the Personnel Department.

Councilpresident Middleton said that in view of the Attorney General's opinion, it is clear that the Deputy City Clerk's salary is set by the Clerk and approved by the Council, and that the Mayor is not involved in the process. He remarked that he had spoken to Bill Finch and that Mr. Finch had said that he would bow out due to this procedure. He said he would be willing to review the classification if the Council requested it.

Clerk Dolnick stated that the law was clear in defining the procedure.

Ordinance 77-20 was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Richardson moved and Councilmember Morrison seconded a motion that Ordinance 77-5 be introduced and read by the clerk by title only.

FIRST READINGS
ORDINANCE 77-5
To Appropriate Funds
from FRS Trust Fund
to Human Resources
Department

Clerk Dolnick then read Ordinance 77-5 by title only.

Councilpresident Middleton read the legislative synopsis of Ordinance 77-5.

Councilmember Richardson moved and Councilmember Morrison seconded a motion that Ordinance 77-19 be introduced and read by title only.

ORDINANCE 77-19
Budget Transfer re:
Board of Public
Works--Insurance

Clerk Dolnick then read Ordinance 77-19 by title only.

Councilpresident Middleton read the legislative synopsis of Ordinance 77-19.

Councilmember Richardson moved and Councilmember Morrison seconded a motion that Ordinance 77-21 be introduced and read by title only.

ORDINANCE 77-21
To Amend Zoning Maps
(Z0-8-77) re:
Storage Unlimited,
Old SR 37 from BA to
ML

Clerk Dolnick then read Ordinance 77-21 by title only.

Councilpresident Middleton read the legislative synopsis of Ordinance 77-21.

Councilmember Richardson moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-22 by title only.

ORDINANCE 77-22
To Re-Enact Bloomington Municipal Code Chapter 12.16, Entitled, Parking Permits

Clerk Dolnick read Ordinance 77-22 by title only.

Councilpresident Middleton read the legislative synopsis of Ordinance 77-22.

Councilmember Kinzer moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-23 by title only.

ORDINANCE 77-23
To Require a Fiscal Impact Statement with Legislation

Clerk Dolnick read Ordinance 77-23 by title only, and Councilpresident Middleton gave the legislative synopsis.

Councilmember Richardson moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-24 by title only.

ORDINANCE 77-24
To Amend Zoning Maps (ZO-52-76) re: Bennett Stone Co., SR 37 North, RE and SC/RE to ML

Clerk Dolnick read Ordinance 77-24 by title only, and Councilpresident Middleton gave the legislative synopsis.

Councilmember Morrison moved and Councilmember Blume seconded a motion to approve the minutes of February 2 and February 9, 1977. Minutes approved unanimously as submitted.

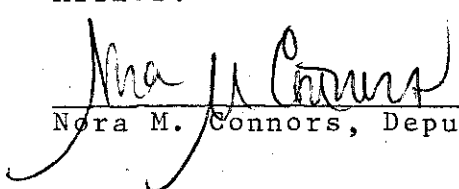
MINUTES
February 2
February 9, 1977

The meeting was then adjourned at 10:20 p.m.

APPROVE:

ATTEST:


Thomas O Middleton, President
Bloomington Common Council


Nora M. Connors, Deputy City Clerk

Typed by Ed Kerr.

Minutes approved this 7 day of April, 1977.

ATTACHMENT TO MINUTES of 3/3/77

R.R.12, Box 133
Bloomington, Ind. 47401
March 3, 1977

Councilwoman Pat Kinzer
City Building
Bloomington, Ind. 47401

Councilwoman Kinzer:

In an effort to significantly increase the communications between the current Commission on the Status of Women and the City Council, we have committed to make regular reports to you. We have just elected officers for the coming year and have found renewed enthusiasm for the role of the Commission. Although we currently have openings on the Commission, there is now a cadre of commissioners who have new vision for the future. We see the Commission's role as being largely in the areas of education, grantmanship, and advocacy. Under the goal of education, we are developing a series of public forums.

The first forum will occur on Thursday, March 17 from 7:30 to 9:30 PM in the Monroe County Public Library auditorium on the topic "Is There an Employment Problem for Women in Bloomington?" Audience questions and comments on this question will follow a panel discussion by local residents.

Future forums will deal with questions raised in the first session. The next forum will be held at the Monroe County Public Library on Tuesday, May 3. Both forums will be cablecast live on Channel 7. The Council and the public are urged to attend and to provide input on this important concern of our community.

Sincerely,

Debra B. Horning

Debra B. Horning, Vice Chairperson
Commission on the Status of Women