

In the Common Council Chambers of the Municipal Building held on March 17, 1977, at 7:30 p.m. with Councilpresident Middleton presiding over a regular session.

REGULAR SESSION
COMMON COUNCIL
March 17, 1977

Roll Call: Absent: De St. Croix and Towell. Present: Middleton, Morrison, Young, Kinzer, Blume, Olcott and Richardson.

ROLL CALL

Councilpresident Middleton then gave the agenda summation. For Second Reading: Ordinance 77-22, to Re-enact Bloomington Municipal Code Chapter 12.16, Entitled "Parking Permits"; Resolution 77-9, To Support Creation of a Title XX Match Fund; Appropriation Ordinance 77-5, To Appropriate Funds from FRS Trust Fund to Human Resources Department; Ordinance 77-19, Budget Transfer; Ordinance 77-16, To Amend Zoning Maps re: 1024 W. 7th RS to RL; Ordinance 77-21, To Amend Zoning Maps re: Storage Unlimited, Old SR 37 from BA to ML; Ordinance 77-24, To Amend Zoning Maps re: Bennett Stone Company, Sr 37 North, RE & SC/RE to ML. For first reading: Ordinance 77-18, To Amend Zoning Maps re: 719 W. Kirkwood Avenue RM to BL; Ordinance 77-25, To Repeal Chapter 4.12 of the Bloomington Municipal Code, Entitled "Truck Routes", Ordinance 77-27, Annexation of Contiguous and Adjacent Territory re: NW corner of intersection of W. Allen Street and Illinois Central Gulf's Western rail line; Ordinance 77-29, To Amend Title 15 of the Bloomington Municipal Code, Entitled, "Stop Intersections"; Ordinance 77-30, To Amend Zoning Maps re: Sw corner of Smith Road and Tenth Street RE to BL. Also the minutes of February 17, 1977. He then called for Messages from Councilmembers.

AGENDA SUMMATION

Councilmember Olcott reported that he discussed with the Mayor the possibility of the City, through its Parks and Recreation Department, purchasing about \$35,000 worth of skating and hockey equipment for approximately \$12,000, from the Kentuckian Ice Rink in Jeffersonville, which is going out of business. He said it was his understanding that the Mayor would forward this information to the Council and requested the Council's support when this item comes up for discussion.

Councilmember Richardson announced that he regretted misunderstandings surrounding this week's meeting on the Youth Shelter Care Facility and said that he has sent Councilmembers a memo asking them to set out a time for the next meeting. He also pointed out the City had not been notified by I.U. concerning the proposed gravel lot between Indiana and Dunn on Seventh Street and that it was inconsistent since the City recently denied Spencer Hudgins a rezoning that would allow him to build a lot in the same area due to flooding problems. He applauded Ed Howell, Human Resources Director, and the Herald-Telephone for their recent publication of segments of the Information and Referral Handbook of the Human Resources Department. He also expressed his support for the parking garage proposal developed by the Council's Special Committee on the Downtown.

Councilpresident Middleton commended Steve Creech of the Health Department for his recent articles in the Herald-Telephone. He noted that an article appeared on Wednesday and Thursday re: the Health Services Bureau. The articles are referred to the State Board of Health and are published in articles around the state. He then remarked on the Committee system, noting that the recent editorial in the H-T was fairly accurate. He said procedural refinements may be necessary. He urged the public to involve themselves in the committee system stage of the legislative process so that the entire system would work more efficiently.

Councilmember Kinzer expressed her support for the Youth Shelter Care Facility, noting that members should be polled regarding whether a certain date is appropriate for a meeting before it is set up. She requested that if the date is changed, it should only be done with unanimous consent of Council.

She said committee meetings should be set for particular days, and that only second readings should be discussed.

There were no Messages from the Mayor or Petitions and Communications.

Bruce Wackowski, Director/Attorney for the Human Rights Commission, then gave his 1976 Annual Report. He said that either he could read a summary of the report or answer questions from Councilmembers. He said that the Human Rights Commission sometimes deals with cases that have no precedent or are not protected under State or Federal law. He added that they may not apply to Bloomington as they are not controlling over the decisions of the Human Rights Commission since they are dealing under different legislation. In answer to a question from Councilmember Young re: possible review of complaints before they are assigned to committee, he indicated that an effort is made to screen complaints. Once a complaint has been shown to be under the influence of the Human Rights Ordinance, an investigation is made to obtain facts in the case. He indicated that all cases, even those rejected, are investigated from the complainant's facts. Councilmember Young asked how many complaints had been filed in 1976. Wackowski indicated that 66 were filed, with two-thirds of these being employment cases. Seven charges were resolved by consent agreement, public hearings were held for four charges, twenty-three complaints were withdrawn, sixteen probable causes were filed, and thirty-six no probable causes were filed. Additional statistics were detailed. Councilmember Blume suggested that there be a charge for each investigation, so that complainants might take the making of a complaint less lightly. His concern was for the respondent party, since he often must go to considerable expense to defend himself, while the complainant is protected by the Commission. Wackowski noted that the Commission shared this concern, and that last year efforts had been made to meet with the party against which a complaint was filed. He said that a letter was sent to the respondent, informing him that at this stage in an investigation the procedures were more in the nature of an inquisition than an adversary proceeding. Councilmember Blume suggested that it was contradictory for an investigating lawyer to be acting as both prosecutor and defender in a case. Wackowski replied that his function in an investigation was more to apply his legal expertise to the facts of the case and to determine if a probable cause exists than to act as prosecutor or defender. If probable cause is found, he indicated that he will put his expertise and the full power of the Commission on the side of the complainant in the interest of a fair and impartial trial. Councilmember Young shared Councilmember Blume's concern over screening of complaints to save innocent respondents expensive legal defense, stating that they are guilty until proven innocent. He was concerned that in many cases a legitimate claim was not involved, and that the result was harassment of the respondent. Councilmember Richardson warned against giving the public the impression that they should not bring a complaint to the attention without being certain of its validity. He shared the concern of Councilmembers Blume and Young over excessive complaints, and supported screening of applicants. Councilmember Kinzer noted that the preliminary investigation of complaints was conducted to protect both complainant and respondent. She supported Councilmember Richardson's advice that more attention should be paid to educating the public on the real function of the Commission. Wackowski said that he

ANNUAL REPORT
Human Rights Comm.

would pass on to the Educational Programs Committee the Council's statements regarding the protection afforded to the respondent by the Ordinance, especially at the investigatory stage. He then introduced members of the Human Rights Commission present at the meeting, Commissioners LaCava, Mitchell, and Canada.

The Annual Report of the Human Rights Commission was accepted by Unanimous Voice Vote.

Councilmember Olcott welcomed Mr. Tim Mueller, new Director of the Plan Department.

Councilmember Olcott moved and Councilmember Richardson seconded a motion that Ordinance 77-22 be introduced and read 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.

Councilmember Olcott moved and Councilmember Blume seconded a motion to adopt Ordinance 77-22.

Councilmember Olcott then read the legislative synopsis and gave the Committee Report. He then moved that Section II of Ordinance 77-22 be amended to read "All such permits expire at 12 a.m. December 31, 1977". Councilmember Kinzer seconded. It was noted that the date in the sentence preceeding this should be changed from June 30, 1977 to January 1, 1978.

Steve Richardson, City Attorney, remarked that their Department is interested in studying parking problems, and in examining and designating impacted areas. He said discussion of the problem brought up the cases of handicapped people and their situation with having trouble getting around. Requirements may be built into the site plan, zoning ordinance, etc., to make allowances for the handicapped with curbs, ramps, and so on.

Councilmember Kinzer remarked that the problem is not just with impacted areas but also the fact that when many of the houses with permits were built, the same requirements were not in effect and often enough parking was not provided.

The amendment to Ordinance 77-22 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Olcott said that someone needs to come up with regulations on who can apply and who will be granted permits.

Steve Richardson remarked that a new Parking Permit Review Board would have to be formed to review applications. He said that he would recommend permits be granted to hardship cases, and that the permits would not run with the property, but would be considered on the basis of the individual. He continued that with the extension, a new ordinance could be drawn up this summer. In answer to a question from Councilmember Morrison regarding whether the City can legally rent public space, Steve replied that if the Council believes that it is in the interest of health, safety and welfare of the City, then they could.

Councilmember Blume moved and Councilmember Olcott seconded a motion to adopt Ordinance 77-22 as amended.

The motion carried by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Olcott moved and Councilmember Richardson seconded a motion to introduce and read Resolution 77-9 in entirety.

RESOLUTION 77-9
To Create a Title XX Match Fund

Clerk Dolnick then read Resolution 77-9 in entirety.

Councilmember Olcott moved and Councilmember Richardson seconded a motion to adopt Resolution 77-9.

Councilmember Olcott then gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 6, Nays: 0. He read the legislative synopsis.

Resolution 77-9 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Blume moved and Councilmember Richardson seconded a motion to introduce and read Appropriation Ordinance 77-5 by title only.

APPROPRIATION
ORDINANCE 77-5
To Appropriate
Funds from FRS Trust
Fund to Human Resources
Health Services Bureau

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

Councilmember Blume moved and Councilmember Olcott seconded a motion to adopt Appropriation Ordinance 77-5.

Councilmember Blume read the legislative synopsis and gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 4, Nays: 0. The committee gave a Do Pass recommendation with the understanding that this would only be interim funding until the Community Development Block Grant Funds are received in July.

Councilpresident Middleton remarked that the synopsis should be changed to read that the City has funded the HSB "in part", not wholly.

Appropriation Ordinance 77-5 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Blume moved and Councilmember Olcott seconded a motion to introduce and read Ordinance 77-19 by title only.

ORDINANCE 77-19
Budget Transfer for
Board of Works for
MVH Insurance

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

Councilmember Blume moved and Councilmember Olcott seconded a motion to adopt Ordinance 77-19.

Councilmember Blume gave the committee report and read the legislative synopsis. The committee recommended Do Pass by a vote of Ayes: 5, Nays: 0.

Councilmember Kinzer remarked that the City did ask for bids on insurance, but that there were not takers. The rate they were quoted is the best one available.

Councilmember Richardson noted that this ordinance is one where a fiscal impact statement would be handy, something that would show the balance of the line items. He said in this way, the Council would have some sense of where they are headed funding wise.

Councilmember Olcott warned the Council that it would be very easy to get caught up in figures, and that a fiscal impact ordinance could create more trouble than it would solve.

Ordinance 77-19 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Olcott moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-16 by title only.

ORDINANCE 77-16
To Amend Zoning Maps
re: 1024 W. 7th RS
to RL

Clerk Dolnick read Ordinance 77-16 by title only.

Councilmember Olcott moved and Councilmember Richardson seconded a motion to table Ordinance 77-16, noting that the Plan Commission should look into lot sizes on the

Westside. He said there are not sufficient votes to pass the Ordinance.

Councilmember Richardson said it was a policy matter, and that the Plan Commission will have to study the area and make recommendations.

Councilmember Kinzer said that she is not in favor of tabling simply because there are not enough votes for passage. She said if there was new information, she would see why legislation should be tabled.

Stu Reller of the Plan Department said that the Council is asking the Plan Commission to re-evaluate the neighborhood program, and that if this happens, the neighborhood should be involved. He said he could not give a definite date for the report, but noted he could bring it up before the Plan Commission on March 28 for their consideration, and perhaps a report could be ready 90 days from then.

Ordinance 77-16 was then tabled by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Olcott moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-21 by title only.

ORDINANCE 77-21
To Amend Zoning Maps
re: Storage Unlimited
OLD SR 37 BA to ML

Clerk Dolnick read Ordinance 77-21 by title only.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to adopt Ordinance 77-21.

Councilmember Olcott then read the legislative synopsis and gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 6, Nays: 0. The land seemed ideally suited for mini-warehouses.

Ordinance 77-21 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

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

ORDINANCE 77-24
To Amend Zoning Maps
re: Bennett Stone Co.
SR 37 N. RE & SC/RE
to ML

Clerk Dolnick then read Ordinance 77-24 by title only.

Councilmember Olcott moved and Councilmember Blume seconded a motion to adopt Ordinance 77-24.

Councilmember Olcott gave the committee report, noting Do Pass recommendation by a vote of Ayes: 6, Nays: 0.

Ordinance 77-24 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Kinzer moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-18 by title only.

FIRST READINGS
Ordinance 77-18
Amend Zoning Maps
re: 719 W. 5th RM to BL

Clerk Dolnick read Ordinance 77-18 by title only.

Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-25 by title only.

Ordinance 77-25
To Repeal "Auctioneers"

Clerk Dolnick read Ordinance 77-25 by title only, and Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Young seconded a motion to introduce and read Ordinance 77-26 by title only.

ORDINANCE 77-26
To Amend "Truck Routes"

Clerk Dolnick read Ordinance 77-26 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-27 by title only.

ORDINANCE 77-27
Annexation - NW corner of Sare & Rogers Road

Clerk Dolnick read Ordinance 77-27 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-28 by title only.

ORDINANCE 77-28
Annexation - NW corner intersection of W. Allen St. and Illinois Central Gulf's Western rail line

Clerk Dolnick read Ordinance 77-28 by title only, and Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-29 by title only.

ORDINANCE 77-29
To Amend "Stop Intersections" 1st & College

Clerk Dolnick read Ordinance 77-29 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-30 by title only.

ORDINANCE 77-30
To Amend Zoning Maps re: SW corner of Smith Rd. & 10th St. RE to BL

Councilpresident Middleton read the legislative synopsis and Clerk Dolnick read Ordinance 77-30 by title only.

Councilmember Kinzer moved and Councilmember Blume seconded a motion to adopt the minutes of February 17, 1977.

MINUTES 2/17/77

Councilmember Kinzer made one amendment regarding her statement on the function of the Human Resources Dept.

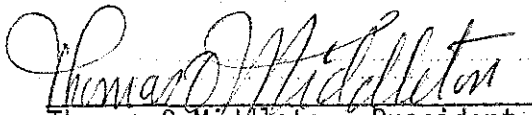
The minutes were then adopted by a unanimous voice vote.

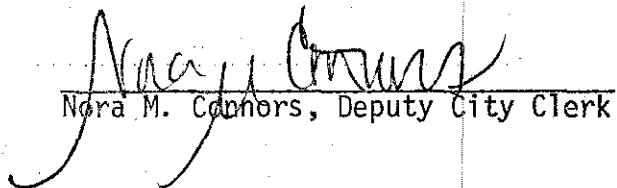
The meeting was adjourned at 9:25 p.m.

ADJOURNMENT

APPROVE:

ATTEST:


Thomas O Middleton, President
Bloomington Common Council


Nora M. Connors, Deputy City Clerk

Minutes approved this 7 day of April, 1977.