

In the Common Council Chambers of the Municipal Building, held on April 21, 1977, 7:30 p.m. with Councilpresident Middleton presiding over a regular session of the Common Council.

REGULAR SESSION
COMMON COUNCIL
April 21, 1977

Present: Councilmembers Morrison, Towell, Young, Kinzer, Middleton, Olcott and Richardson. Absent: Blume and De St. Croix, who were out of town.

ROLL CALL

Present: Jean Strohm, Executive Secretary, Board of Public Works; Karel Dolnick, City Clerk; Pat Gross, City Controller; Don Christy, City Engineer; Gary Lejoie, Housing Code Enforcement Officer; Marie Harlan, Traffic Commission; Alice Craft, Deputy City Attorney; Debbie Mantell, Mayoral Aide; Jim Wray, Transit Director/Developmental Liaison; Bill Finch, Personnel Director; Fran Koski, Program Coordinator of Human Resources Department.

CITY OFFICIALS

Councilpresident Middleton gave the agenda summation. For first reading, Ordinance 77-37, To Amend Zoning re: SE corner of intersection of R46 East and SR 446 RE to B1; Ordinance 77-38, To Amend Zoning re: 4651 Rajumi Drive RE to BA; Ordinance 77-39, To Amend Zoning re: 313 Union Street RS to BG; Ordinance 77-40, To Amend Zoning Maps re: 601 E. 7th Street RM to RH; Ordinance 77-41, To Amend Title 15 of the Bloomington Municipal Code, Entitled, No Parking Zones; and Appropriation Ordinance 77-8, To Appropriate Funds from GF and P&R Dept. For Second Reading, Ordinance 77-31, To Repeal and Re-enact Chapter 15.51 of the Bloomington Municipal Code, Entitled "Bicycles"; Ordinance 77-32, To Create a Fleet Maintenance Department within the City of Bloomington; Appropriation Ordinance 77-7, To Appropriate Funds for Fleet Maintenance Department; Ordinance 77-14, To Amend the Bloomington Housing Code re: screen door requirements; and Appropriation Ordinance 77-6, To Appropriate Funds for Renovations of the Basement of the Municipal Building. The agenda was amended to include first reading of Ordinance 77-42, re: Bonding for the Sentinel Printing Company.

AGENDA SUMMATION

Councilmember Young moved and Councilmember Morrison seconded a motion to amend the agenda to include Ordinance 77-42 for first reading. The motion carried by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Agenda Amendment
1st reading 77-42

Councilpresident Middleton then called for Messages from the Mayor; being none, he asked for Messages from Councilmembers.

MESSAGES FROM
COUNCILMEMBERS

Councilmember Towell read from the Supreme Court decision on Inspection of Premises relating to municipal ordinances, Kamara v. Municipal Court (1967). It said the only effective way to have universal compliance on the minimal standards required by municipal code is through routine, periodic inspection of all structures. It advocated area inspections rather than spot inspections, noting it is only a limited invasion of a resident's privacy, and is a reasonable search of private property within the meaning of the Fourth Amendment. Warrants may be issued, although most citizens issue permission without them. They should be sought only if entrance has been refused unless there is citizen complaint or other satisfactory reason. He noted that in Bloomington, the City relies on the landlord to notify the tenant of inspections, but the City has a right to entrance. He said landlord's attempts to defeat this on the premise of individual privacy, falls by the wayside in terms of public law. He said it is hypocritical of them to fight the landlord-tenant ordinance when it emphasized the need for notice if the landlord is to enter the premises. It also emphasizes the limited nature of an inspection for health and safety reasons.

Councilmember Young remarked that he is not a lawyer but that he knows that when two lawyers get together, they often have different books that say different things so that one opinion is not necessarily the only one to be considered. He said tenants have the privilege of living in the apartment without being "bothered" by the landlord, manager or the City. He said all he is asking is that inspectors knock on the door and ask if they can come in before they enter. In regards to the Human Rights Commission, he said he attended the last meeting as the Council's liaison. He said he was impressed with the caliber of the Council's new appointments to the Commission. He said a better cross section of the community is still needed.

Councilmember Kinzer spoke to the coverage given to Councilmember De St. Croix's replacement. She wished to correct a statement in the Herald Telephone regarding the appointment to his seat. She said she does not feel, as reported in the H-T, that persons who have run and lost should be excluded. She said that during the interview she expressed the view that she had mixed feelings in this matter, but that people who have lost an election are often well-qualified and should also be considered. She said she was sorry her remarks were taken out of context and were then used as part of an editorial on the subject.

Councilmember Richardson expressed his support of Councilmember Towell's remarks regarding housing inspections. He said the landlords and the Engineering Department need to cooperate and get the job done. He said tenants only have minimal coverage in the state now, and added that he would not be willing to sacrifice any more of these rights. Re: Councilmember De St. Croix's replacement, he explained that the whole matter of people not being eligible for seat who have lost a previous election, has been taken out of context. He said at a meeting of Council democrats, a discussion of possible candidates arose. The first to be discussed were those who had previously run for office. After much discussion, it was determined that none of them had unanimous support of the democrats, and this is where the statement came from. It was not because they lost, but because they could not get the necessary support. He said in hindsight, it was probably not the best way to go about it. He said these people can still be considered for the seat. He then addressed the issue of street lights in the Kirkwood area alleys, and thanked Jean Strohm for her work on getting them installed and also for having bike racks installed in his district.

Councilpresident Middleton then listed his goals as a Councilmember, after being asked to do so by WTU T.V. He said his goals are to 1) conduct personal and governmental affairs in such a way that would foster public confidence in government; 2) work to create a climate of continuing dialogue between the City and county on subjects such as: combined Planning and Engineering Departments; emergency ambulance service, Parks and Recreation; tourism, and waste disposal, 3) Control the growth of the City through proper annexation and promotion, economic development, and proper utilities, 4) Provide for the well being and safety of residents: police, fire, ambulance, upkeep of streets and adequate recreational facilities, 5) provide specifically for those that are handicapped by providing facilities for them, ramped sidewalks, etc., 6) Provide the amount of government necessary - no more and no less and do so in the most economical manner.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-37 by title only.

ORDINANCE 77-37
Amend Zoning re:
SE corner of inter-
section of 3rd &
Knightridge Road

Clerk Dolnick read Ordinance 77-37 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-38

ORDINANCE 77-38

by title only.

4651 Rajumi Dr. RE to BA

Clerk Dolnick read Ordinance 77-38 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-39 by title only.

ORDINANCE 77-39
213 Union St. RS to BG

Clerk Dolnick read Ordinance 77-39 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-40 by title only.

ORDINANCE 77-40
601 E. 7th RM to RH

Clerk Dolnick read Ordinance 77-40 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-41 by title only.

ORDINANCE 77-41
No Parking Zones

Clerk Dolnick read Ordinance 77-41 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Appropriation 77-8 by title only.

APPROPRIATION ORDINANCE 77-8
From GF & P&R Funds

Clerk Dolnick read Appropriation Ordinance 77-8 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Young moved and Councilmember Olcott seconded a motion to introduce and read Ordinance 77-42 by title only.

ORDINANCE 77-42
Bonding Ordinance for Sentinel Printing Co.

Clerk Dolnick read Ordinance 77-42 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Young remarked that the Economic Development Commission and the Sentinel Printing Co. would like to see this Ordinance speeded along as quickly as possible, as construction is ready to begin.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-31 by title only.

SECOND READINGS
ORDINANCE 77-31
To Repeal and Res enact "Bicycles" in the Code

Clerk Dolnick read Ordinance 77-31 by title only.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to adopt Ordinance 77-31.

Councilmember Olcott gave the committee report from Community Development, noting a Do Pass recommendation by a vote of Ayes: 7, Nays: 0. He then read the legislative synopsis.

Marie Harlan of the Bicycle Task Force then spoke to the ordinance. She noted that 275 people registered their bicycles last year. They hope to have far more registered under the new ordinance, as there are provisions for free licensing and wider distribution of the licenses, through schools, etc. People will pay if they do not obey the law (\$5 fine), not if they do (last year there was a 50 cent charge for the licenses). Chief Chambers is interested in seeing this passed as it would be more enforceable than the previous one. The new ordinance reflects state statute.

Bill McGregor, Chairman of the Bike Commission, then spoke to the ordinance. He reiterated Ms. Harlan's statements about the advantages of free registration and wider distribution of licenses. He said the Parks and Recreation Department would have a display in the Mall on Saturday and Sunday with a table on bicycle information. The Bike Commission is considering having a "Bicycle Emphasis Week" in May which would publicize registration requirements. They will ask the Mayor to declare a Bicycle Week in recognition of the Ordinance.

Councilmember Olcott said he thought the most valuable aspect of the Ordinance is the benefit to the person who has their bicycle stolen. Licensing would help in reclaiming bicycles.

Bill McGregor said they will approach the School Corporation when the ordinance is passed to discuss the details of how licenses could be distributed with the schools. The Bike Commission has a film "Only One Road", which is available at the Library, that could be shown. It is a good film on bicycle safety.

Councilmember Kinzer said she has three sons, and out of five thefts of their bicycles from schools, three were returned. She credited this to the fact that they were registered. She said registration efforts will be greatly aided by licensing through the schools, and with wide publicity.

Councilmember Richardson asked if bicycles will be allowed on the sidewalks.

Bill McGregor said the section of the ordinance dealing with this will not encourage people to ride on sidewalks, but it says they may be on sidewalks but must yield to pedestrians. It was noted that small children would be safer riding on sidewalks. He said the condition of the street may make it necessary to use the sidewalks.

Marie Harlan said the Traffic Commission could ask for signage in the downtown area if there are problems with this.

Ordinance 77-31 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Towell remarked during the vote that he has voted on many bicycle ordinances, and that he hopes this one will be more effective than previous ordinances.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-32 by title only.

**ORDINANCE 77-32
To Create a Fleet
Maintenance Department**

Clerk Dolnick read Ordinance 77-32 by title only.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to adopt Ordinance 77-32.

Councilmember Olcott noted that the committee recommended Do Pass by a vote of Ayes: 6, Nays: 0. He then read the legislative synopsis.

Councilmember Towell said that over the years the City has heard about the high prices in Fleet Maintenance, etc. The Department will become more visible with a separate budget and will be accountable to a City Department Head. This is an improvement.

Councilmember Kinzer moved and Councilmember Olcott seconded a motion to change "not" to "now" in the ordinance. Motion carried by a unanimous voice vote.

Councilmember Olcott said this will make the Department come under the City administration rather than the Utilities Service Board. The Council will have more input on the budget for the Department. He said he thinks Jim Wray will run a good Department, and taxpayers will be better off as far as the operation of the Department.

Ordinance 77-32 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 Appropriation Ordinance 77-7 by title only.

APPROPRIATION
ORDINANCE 77-7
Funds for Fleet
Maintenance Department

Clerk Dolnick read Appropriation Ordinance 77-7 by title only.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to adopt Appropriation Ordinance 77-7.

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

Appropriation Ordinance 77-7 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 77-14 by title only.

ORDINANCE 77-14
To Amend the Bloomington
Housing Code
re: Screen doors

Clerk Dolnick read Ordinance 77-14 by title only.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to adopt Ordinance 77-14.

Councilmember Olcott gave the committee report from Community Development. The committee recommended Do Pass by a vote of Ayes: 6, Nays: 0.

Councilmember Richardson then voiced his opposition to the ordinance. He stated that he voted against the last proposed screen door amendment which said that those units that have central airconditioning or open onto a hallway are exempt from the screen door requirements. He said it is ironic to encourage people not to use their windows and doors but rather their air conditioning. This ordinance is the same situation. He said there may be situations where people have window airconditioners that can provide a cooler living arrangement. However, if they have other types of ventilation, air conditioning could be left off, and energy could be saved. He noted that there are several provisions in the Housing Code that need to be gone over, but it should be done as a total package, not in a piecemeal fashion.

Councilmember Kinzer voiced her support of Councilmember Richardson's statements. Dependency on mechanical means for ventilation is not a good thing. She said at BHS South there are no windows and no ventilation since it is supposed to be air conditioned; and the heat has been insufferable. She said it is a bad trend that goes against energy conservation.

Councilmember Towell stated the whole effort of the Landlord Tenant Ordinance is to specify a minimum health and safety standard, and Councilmember Richardson's statements do not belong in such standards.

Gary Lejoie, City Housing Code Enforcement Officer, explained the implications of the Ordinance. He said the amendment was requested by the Housing Quality Appeals Board, because they are tired of having to deal with people who appeal the screen door requirement section of the Code. He said he has walked into a dwelling where there are twelve windows, all operable, in one room. However, he had to have them put in a screen door because it is required by law. He said there is a \$10 fee for anyone who brings an appeal before the Board. He said the ordinance would merely add a provision where the City Engineer and Housing Inspector could determine if there is adequate ventilation without the screen door. If there is, the requirement would be waived. This section can only be enforced from June 1 to October 15. With units that have "through-the-wall" airconditioning, additional ventilation is often not needed. Units with window airconditioners are often not well ventilated, partly because the window airconditioner makes the window inoperable.

Councilmember Kinzer said she didn't think the example with the twelve windows was a typical situation.

Gary Lejoie noted that this is only enforceable from June 1 to October 15. Only those inspected during the summer have to have screen doors. The ones that are inspected during the winter get the clout if they have inadequate heating. He said someone can legally have a storm door frame with no screen or glass in it, and they cannot be sited for anything unless their hydrolic self closer is not working. When an appeal is brought before the HQAB on screen doors, the Board turns to the Inspector and asks him if there is adequate ventilation.

Councilmember Young said as far as saving energy is concerned, you may not do that with screen doors. People often set their thermostats at 72 degrees and then leave the front door open when it is 65 degrees outside. It takes a long time for an air conditioner to take the moisture out of the air, if the door is open, it makes the air conditioner work harder, thus using more energy.

Councilmember Richardson noted that the reason the screen door provision was in the BOCA code was for health reasons, to keep out flies and other insects. He said the next thing to go will be screen windows.

Gary Lejoie said he has never considered a window air conditioner as adequate ventilation, mainly because this makes the window inoperable and the tenant does not have any choice.

Ordinance 77-14 was then adopted by a ROLL CALL VOTE of Ayes: 5, Nays: 2 (Kinzer, Richardson).

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Appropriation Ordinance 77-6 by title only,

APPROPRIATION
ORDINANCE 77-6
Funds from GF and P&R
Fund

Clerk Dolnick read Appropriation Ordinance 77-6 by title only,

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to adopt Appropriation Ordinance 77-6.

Councilmember Olcott gave the committee report from Community Development, noting a Do Pass recommendation.

Councilmember Kinzer noted that she was disappointed to see this additional appropriation come up, but that she understood that the Fire Marshall made additional requirements after the \$28,000 was appropriated initially.

Pat Gross noted that the fiscal impact would be that the City would have \$8,000 less in the Cumulative Capital Fund; of course, this money could have been used for different projects in different areas.

Appropriation Ordinance 77-6 was then adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 0.

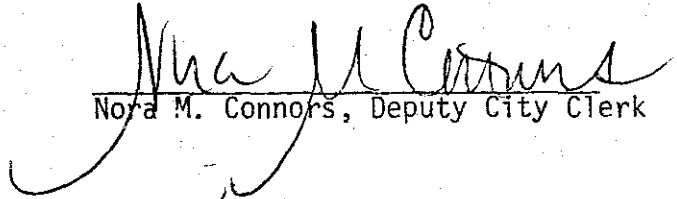
The meeting was adjourned at 9:15 p.m.

ADJOURNMENT

APPROVE:

ATTEST:


Thomas O Middleton, President
Bloomington Common Council


Nora M. Connors, Deputy City Clerk

These minutes were approved upon this 5 day of May, 1977.

nmc