

In the Common Council Chambers of the Municipal Building held on May 19, 1977, 7:30 p.m. with Councilpresident Middleton presiding over a regular session of the Common Council.

REGULAR SESSION
COMMON COUNCIL
May 19, 1977

Present: Councilmembers Kinzer, Morrison, Young, Blume, Olcott, Middleton, Towell. Absent: De St. Croix, Richardson. ROLL CALL

Councilpresident Middleton relayed messages from the Councilmembers who were absent. He announced that Councilmember Richardson was unable to attend the meeting because of necessary completion of studies. He read a note from Councilmember De St. Croix which state that his absence was due to the fact that he had travelled to Boston to be with his father, who would soon be undergoing serious surgery. A request for silent prayer for Councilmember De St. Croix's father was honored.

Councilpresident Middleton gave the agenda summation. For second reading, Appropriation Ordinance 77-9, To Appropriate Funds from Local Road and Street Fund, Cumulative Capital and Federal Revenue Sharing Trust Fund; Ordinance 77-43, to Prohibit Soliciting in Roadways; Ordinance 77-44, to Amend the City Residency Ordinance. For first reading, Appropriation Ordinance 77-10, To Appropriate Funds from the Cumulative Capital Fund, re: West 1st St. Drainage Construction, \$90,000; Ordinance 77-35, To Amend Zoning Maps (Z0-11-77) re: Land one parcel east of Knightridge Road on south side of 3rd St. (SR 46 East) RE to BL; Ordinance 77-45, To Amend Zoning Maps (Z0-17-77) re: 1815 S. Walnut RH to BA for electronic repair shop; Ordinance 77-46, To Amend Zoning Maps (Z0-21-77) re: City Service Center, S. Henderson RS to SI for expansion. For approval, minutes of May 5, 1977. AGENDA SUMMATION

Councilmember Towell expressed his surprise over statements made on a recent radio program by two of his fellow Councilmembers that revealed their opinion that District 6 should not be in the Neighborhood Park Program of the City. He noted that in these statements references were made to the availability of I.U. recreational facilities, and pointed out that not all of the people he represents are I.U.-related and therefore cannot take advantage of these facilities. MESSAGES FROM COUNCILMEMBERS

Councilmember Young welcomed the new City Engineer to the City, expressing his hope that the Housing Code Enforcement Department would be taken as a priority work area. He noted that many dwellings surrounding the I.U. campus are vacant during the summer months and needed concentrated attention. He also recommended caution in recording revenue so that no shortage of funds would arise.

Councilmember Blume recognized the recommended replacement for resigning Councilmember De St. Croix. Ms. Tomelia Allison was in the audience and asked her to stand.

Councilmember Olcott answered Councilmember Towell's remarks by stating that the Parks and Recreation Department has continuously attempted to purchase property for parks in the Second District, particularly McCalla School, but land that would be appropriate for parks is scarce in the area. He noted that the area is in close proximity to the recreational and park facilities of Indiana University. He said he would love to see a City park in Towell's district.

Councilpresident Middleton stated that the next Council Committee meeting will be Wednesday, May 25. The Community Development Committee will meet to discuss several ordinances. He also noted that Council Administrator, Michael Corbett, will be resigning at the end of May to take a position with the Deputy City Mayor of Indianapolis.

Mayor McCloskey then made several statements; the first,

acquisition of the property on the northwest corner of the square. He seconded the welcome to Tomi Allison. He said he believed the Council did well in their Council-member selection process. He noted that he wishes outgoing Councilmember De St. Croix well in his future. He praised De St. Croix's father, whom he had met several years ago, calling him one of the nicest people he had ever met. He was on the Town Board of Milton, Massachusetts for many years and was a dedicated public official. He then credited the Street Department for the excellent job they have been doing on repaving miles of streets, which are in a very poor state of repair due to the harsh winter. He noted that the City is moving along on implementing their capital improvements projects, adding that Appropriation Ordinance 77-9 contains funding for several projects, including Smith Road improvements. He said the general assembly is to consider the state tax package, police and fire pension funds, workman's comp, etc. He said he would be consulting with Senate and House democrats soon. He said he believed that there would be a 5% increase in tax levys for 1978, 8% for 1979, or the amount of assessed valuation, whichever is greater. He said it is difficult for him to understand how an Indianapolis administration can decide how much money cities over the state can spend, thereby restricting their local priorities. He said local governments are very capable of handling these decisions at local levels. He said the proposal for increased cigarette and liquor taxes to help cities finance police and fire pensions could put a lid on the spiralling costs of pensions. He continued that he shared Councilmember Towell's concerns about the lack of parks in his district. He noted that the City is working very hard to work something out with McCalla school. He then read a prepared statement on the purchase of property on the northwest corner of the square. He contended that there are only five owners of the property, and it is a rare opportunity having the chance to purchase an entire City block. He said he must be granted the Council's support before negotiations for the land can begin. He continued that most of the goals in the 1973 CBD report are still valid and should be implemented. Development of the NW corner of the square would be an anchor for the downtown, a new source for downtown investment and development. Unless the entire block is acquired, there is a danger of fragmentation in the development. The Mayor then ran through the appraised values of the various parcels involved. He added that there are many parking possibilities as well, 200 spaces immediately as an interim use of the site. This would help relieve the curbside parking shortage on the square by absorbing employee parking needs. This would generate \$54,000 in revenues per year, assuming 10 cents per hour charges and 90% occupancy. He said ideally he would like to see a City/County building on the site, but added that the \$11 million estimate for the cost of the building by SUA would have to be modified to meet the City's financial capabilities and political realities involved. A city or cultural center, or apartments for the elderly can also be considered. the CBD plan recommends that any new, centralized government complex should have commercial facilities at ground level to increase traffic on the westside of the square. Design concepts have been done, a Plan Department design shows a complex of 53,000 square feet of leasible retail space on the ground level. This could be rented at \$6.00 per square foot. Annual revenues of \$320,000 are possible. There would be two levels of underground parking, providing spaces for 206 cars per level. Between 200,000 and 240,000 square footage. You could also have a parking structure with or without shops at ground level. There is an eight to ten foot slope on the College and Morton entrance which would eliminate the need for ramps. A new office/commercial complex could also be developed by commercial sources to act as a catalyst for new development. He said he would like to have possible approval of the purchase in June, possibly involving parking meter revenue bonds.

Councilpresident Middleton then called for the annual report from the Environmental Commission for 1976.

ANNUAL REPORT
EQCC

Ed Bair then gave the report of the EQCC. He said the report is mainly his observations to the Commission.

He mentioned that the report included a listing of 15-20 activities in which the EQCC was involved during the year. He noted that the Commission actually has no power, so that the report does not contain successes and failures, rather activities in which the Commission exercised its powers of persuasion. Encouragement was felt since many of the Commission's conclusions have been sustained by continuing research. He pointed out that the Commission treads a fine line between having timely information on which to act and being overwhelmed by such an excess of information that it cannot be handled. He praised the Commission's work study staff for creating timely information, and credited them with having a very important part in the functioning of the Commission.

Councilmember Blume moved and Councilmember Young seconded a motion to accept the Annual Report of the EQCC. Motion passed by a unanimous VOICE VOTE.

Councilmember Olcott recommended that Claire Gregory and Larry Walcott be reappointed to the Telecommunications Council. Councilmember Kinzer seconded the motion. The motion was passed by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

APPOINTMENTS TO
TELECOMMUNICATIONS
COUNCIL

Councilpresident Middleton read Resolution 77-4, noting that it would not be formally introduced until the next meeting.

RESOLUTION 77-4
To Support Proposed
Property Acquisition:
NW corner of square

Councilmember Young expressed his hope that the Monroe County Tobacco Company would be willing to sell their property to the City. He noted that all other property holders on the city block in question are willing, and hoped that legal actions would not be necessary to acquire all of the land. If such legal action was necessary, he would oppose the purchase until specific plans for the property had been formulated.

Councilmember Kinzer directed a question to Mayor McCloskey in relation to his mention of the possibility of commercial development of the property on the NW corner of the square. She was curious as to the procedure by which a particular company would develop the property commercially.

Mayor McCloskey replied that the process would proceed along the lines of general redevelopment concepts. Prospective businesses would bid for purchase of the property.

Councilmember Kinzer asked who makes the decision to sell the property to a commercial bidder.

The Mayor replied that a joint resolution would be necessary between the Mayor and the Common Council.

James Register, Corporate Council, answered another question of Councilmember Kinzer by stating that the Council was definitely a part of that decision-making process. The Council's approval would be mandatory if the property was to be sold to a commercial bidder. He emphasized the fact that any action taken by he or Mr. Wray would be merely exploratory and subject to the endorsement of the Council. He noted that purchase of the land was not implicit in every possible use for it, with leasing among the options.

Councilmember Blume asked for an estimated date by which a building could be constructed on the property if the Resolution was passed at some time in the near future.

Mr. Register replied that the vision of the Mayor and the Committee is of vacant land, not any particular building. Once the land is vacant, the Council would begin serious consideration of usage of the land.

Mayor McCloskey noted that a definite possibility for the land would be vastly increased interim parking which could be available within a matter of months.

Councilmember Blume noted that neither the "Whereas" clauses of the Resolution nor the Mayor's discussion had mentioned the possibility of creating vacant land. It was agreed upon that an additional "Whereas" could be inserted into the Resolution in the upcoming Committee meeting.

Councilmember Olcott commented that he felt the Mayor's action to acquire the property under discussion was a very progressive and excellent move.

Councilmember Young asked where the money for the purchase would come from.

Mayor McCloskey replied that the greater portion would be acquired through parking meter revenue bonds, along with the possibility of a bank loan.

Mr. Register added that area banks had offered short-term loans at 6% interest to be used in the purchase. He stressed the fact that no money will be borrowed unless absolutely necessary. Among options to borrowing, he mentioned taking the land or purchasing it for leasing purposes.

Councilmember Young asked if it would still be possible to build a parking garage at the corner of Fourth and Washington if money from the parking meter bonding were used to purchase the property.

Mr. Register declared that he was not qualified to answer the question.

Councilmember Morrison mentioned that the City already owns one quarter of the square, having condemned the property and purchased it around six years ago. He noted that the property was to be used for a parking lot, and now stands as vacant, useless land. Because of a failure to develop the land to its potential, revenue has been lost over the years.

Mr. Register responded that if the Council did give its approval to the plan to purchase the entire block the property which Councilmember Morrison spoke of would go to work.

Councilmember Morrison reiterated his position that to purchase property and then let it lay idle for a number of years was simply bad business. He felt that the federal funds which made the acquisition of the property possible had not been used for their intended purpose, since the parking lot was never constructed.

Councilmember Kinzer asked Mr. Register why the full usage of the lot in question depended upon the purchase of the entire block.

General discussion resulted in a consensus of opinion that the property was not well used since its purchase by the City.

Mayor McCloskey added that the Redevelopment Department should be approached regarding the subject of maximizing revenue from the property. He noted that the property has been used for unofficial storage parking.

Councilmember Towell noted that since chairing a Committee on the Downtown he has become aware of the need for supplemental parking in the downtown area. He questioned the validity of using parking revenue bonds to purchase the City block in discussion when perhaps priority should be given to construction of a parking garage for the Downtown.

Councilmember Kinzer directed a question to the City Attorney of whether acquisition of the land was dependent on Council action. Steve Richardson answered that the Council's approval was required for use of the property. In further discussion, he added that strict requirements over the disposition of the property could be written into the purchase Ordinance.

Councilmember Towell asked that Denton Moir, President of the Downtown Merchant's Association, be given a chance to speak to the Resolution.

Mr. Moir began by stating that he was a member of the Steering Committee which Councilmember Towell chaired, and that, at present, he is president of the Central Business Association. He stressed the desire of the Steering Committee to keep the parking revenue bonds free rather than use them to fund the project under discussion. He further stated that it seemed only proper that parking meter revenue should buy parking, and hoped such a consideration would be involved in determining the ultimate use of the property, if purchased. He noted that a better price situation and better quality construction had appeared for the proposed Downtown Parking Garage, and that this project should be the first priority for funding from Parking Revenue Bonds.

Tom Jones came forward and asked why there are no special considerations, such as one reserved parking space per Downtown City block, given to handicapped people.

PETITIONS AND COMMUNICATIONS

Mayor McCloskey replied that every effort is being made to comply with newly released regulations for all organizations receiving federal monies. These regulations, originating with the HEW Department, specify provisions which should be made for the handicapped. He noted that certain of these provisions will be written into the Human Rights Ordinance. He stressed his concern that all city and federal buildings be adequately ramped and elevatored, etc., and reassured Mr. Jones that efforts were being made to do so. He assured Mr. Jones that parking was an obvious priority, and Councilpresident Middleton noted that special parking slots could be implemented immediately.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 77-9 by title only.

APPROPRIATION ORDINANCE 77-9

To Appropriate Funds from Local Rd. and St. Fund, Cumulative Capital and Fed. Rev. Sharing Trust Fund

City Clerk Dolnick read Appropriation Ordinance 77-9 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Appropriation Ordinance 77-9.

Councilmember Olcott read the legislative synopsis.

Councilmember Young suggested that the Appropriation Ordinance be dealt with in two parts, the first dealing with the demolition of the Old Library.

Councilmember Kinzer noted that in Committee the Appropriation Ordinance had been divided even further, into four parts. After obtaining Councilmember Young's consent, she moved that the question be subdivided and considered with the following subdivisions: Local Road and Street Fund, Demolition of the Old Library, Parks and Recreation Appropriation, and the rest as a fourth category. Councilmember Blume seconded the motion. The motion to thus subdivide the question was approved by a unanimous VOICE VOIE.

Councilmember Olcott gave the Committee Report, noting recommendations given to each of the subdivisions of the question. For the Local Road and Street Fund, a Do Pass recommendation, 4-0. Demolition of the Old Library, tabled indefinitely, Ayes: 2, Nays:2. Parks and Recreation, Do Pass, 3-1. The remainder of the appropriation, Do Pass, 4-0.

Councilpresident Middleton then opened the floor for discussion of parcel one of the subdivided Appropriations Ordinance.

Councilmember Towell suggested that perhaps the priorities for funding had changed in light of the Resolution for Acquisition of Downtown property which had been discussed earlier, and

moved that the entire Ordinance be tabled indefinitely. Councilmember Kinzer seconded his motion, but withdrew her second.

Councilmember Kinzer moved and Councilmember Blume seconded a motion to adopt that portion of the Ordinance being considered first, Local Road and Street Fund.

Councilmember Blume asked the locations of the traffic signals (3) mentioned in the Ordinance.

Jim Wray, of the Transportation Department, listed their locations. (1) Winslow Rd. and Old 37, (2) 1st and College, (3) 10th and Woodlawn. It was noted that the third light, located at Tenth and Woodlawn, would be funded by Indiana University. Engineering for this light would be funded through the Ordinance at hand.

Councilmember Towell again moved to table the ordinance. Failed due to a lack of second. He stated that his objection to the ordinance would be satisfied if it was considered in its entirety, since a great portion of the Council's available monies were involved in the Ordinance. He noted that in a roll call vote, his vote of "Nay" would not mean that he disapproved of the programs, rather the handling of the Ordinance.

The first portion of Appropriation Ordinance 77-9 was passed by a ROLL CALL VOTE of Ayes: 6, Nays 1. Nays: Towell.

Councilmember Young moved and Councilmember Olcott seconded a motion to table the second portion of Appropriation Ordinance 77-9 indefinitely until the law suit is decided.

The second section of Appropriation Ordinance 77-9 was tabled by a ROLL CALL VOTE of Ayes: 7, Nays: 0. Councilmembers Morrison and Kinzer commented with their votes that they felt that this portion of the Ordinance should be tabled indefinitely. Councilmember Kinzer stressed the fact that the Committee had recommended that this portion be tabled indefinitely.

Councilmember Olcott moved and Councilmember Young seconded a motion to adopt the section of Appropriation Ordinance 77-9 dealing with the Federal Revenue Sharing Trust Fund.

Councilmember Kinzer prefaced a comment with a statement that she was not criticizing the Parks and Recreation Department with what she next said. She noted that this Department has one of the largest budgets in the City. She hailed the purchase of hockey equipment as a wise one. Upon noting that the funds for this purchase were taking form Parking Meter Revenue Funds she suggested that the money could have been obtained by establishing priorities, even though to do so would necessitate waiting for other purchases.

In answer to a question from Councilmember Blume regarding a possible "trade-off" with hockey equipment instead of improvements to People's Park, Bill Wilson replied that when the opportunity to purchase the hockey equipment arose, priorities were changed. It was decided that a Federal Grant program would be submitted by July 1 to develop, on a matching basis, People's Park with the \$15,000 that went towards the equipment purchase.

The third portion of Appropriation Ordinance 77-9 was adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 1. Nays: Kinzer.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to approve the 4th part of Appropriation Ordinance 77-9.

Councilmember Blume raised a question about the construction of a sidewalk along 10th street which appears in this portion of the Ordinance. Jean Strohm, of the Board of Public Works, clarified the issue by stating that there would be a substantial savings in construction costs in this instance since the walk would be built at such a distance from the highway that a retaining wall needn't be built.

Councilmember Towell moved that Appropriation Ordinance 77-9 be tabled. The motion failed due to lack of a second.

The remainder of Appropriation Ordinance 77-9 was passed by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Appropriation Ordinance 77-9 as amended.

Appropriation Ordinance 77-9 was then adopted as amended by a ROLL CALL VOTE of Ayes:7, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion that Ordinance 77-43 be introduced and read in its entirety.

ORDINANCE 77-43
To Prohibit Soliciting
in Roadways

Clerk Dolnick read Ordinance 77-43 in its entirety.

Councilmember Kinzer moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-43.

City Attorney Richardson detailed an amendment to the Ordinance which would allow for solicitation on sidewalks, as long as motor vehicles were not approached from the sidewalks.

The amendment was approved by a unanimous VOICE VOTE.

Councilmember Kinzer moved and Councilmember Towell seconded a motion to adopt Ordinance 77-43 as amended.

In general discussion, it was clarified that hitchhiking was not prohibited with this Ordinance, but that it is prohibited under state law. It was noted that great care was taken in formulating a definition for solicitation which appears in the Ordinance so that confusion, such as this dispute over hitchhiking would not result. Also mentioned was the fact that solicitation was mentioned elsewhere in the Itinerant Merchant's Ordinance.

Ordinance 77-43 was adopted by a ROLL CALL VOTE of Ayes:7, Nays: 0.

After a short break, Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-44 by title only.

ORDINANCE 77-44
To Amend the City
Residency Ordinance

Clerk Dolnick read Ordinance 77-44 by title only.

Councilmember Olcott moved and Councilmember Blume seconded a motion to adopt Ordinance 77-44.

Councilmember Olcott read the legislative synopsis and gave the Committee Report, noting a DO PASS recommendation of 3-0. He moved for an amendment in section 2.64.090, to delete "Will be residing" and insert "To reside", add a period in the 10th line after work and add "Whether or not extreme hardships exist and whether or not Municipal employees who work at a vocation outside the City limits will be residing near their place of work". He noted that the change from 90 to 120 days meets the requirements of the probationary period of City employees. Also, certain definitions are clarified in the Ordinance. Bill Finch, of the Personnel Department, concurred with Councilmember Olcott's statements. Councilmember Blume seconded the motion to amend the Ordinance.

Councilmember Kinzer moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-44 as amended.

Ordinance 77-44 was then adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 0.

Councilmember Blume moved and Councilmember Morrison seconded a motion to introduce Appropriation Ordinance 77-10 and read by title only.

Clerk Dolnick read Appropriation Ordinance 77-10 by title only.

Councilpresident Middleton read the legislative synopsis.

Councilmember Blume moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-35 by title only.

Clerk Dolnick read Ordinance 77-35 by title only.

Councilpresident Middleton read the legislative synopsis.

Councilmember Blume moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-45 by title only.

Clerk Dolnick then read Ordinance 77-45 by title only.

Councilpresident Middleton read the legislative synopsis.

Councilmember Blume moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-46 by title only.

Clerk Dolnick read Ordinance 77-46 by title only.

Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Olcott seconded a motion to approve the minutes of May 5, 1977 as printed. Accepted by unanimous VOICE VOTE.

The meeting was then adjourned at 9:35 p.m.

FIRST READINGS

Appropriation Ordinance 77-10 To appropriate Funds from Cumulative Capital Fund for W. 1st St. Drainage Const. \$90,000

ORDINANCE 77-35

To Amend Zoning Map (20-11-77) re: Land on parcel east on Knight-ridge Rd. on S. side of 3rd St. (SR 46 E) RE to BL

ORDINANCE 77-45

To Amend Zoning Maps (20-11-77) re: 1815 S. Walnut RH to BA for electronic repair shop

ORDINANCE 77-46


To Amend Zoning Maps re City Service Center, S. Henderson RS to SI for expansion

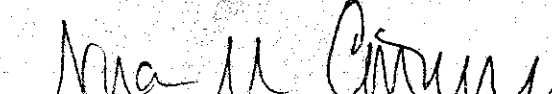
MINUTES FOR APPROVAL

May 5, 1977

ADJOURNMENT

APPROVE:


Thomas O Middleton, President
Bloomington Common Council


Nora M. Connors, Dep. City Clerk

Approved upon this 2 day of June 1977.

ebk/nmc