

In the Council Chambers of the Municipal Building, held on August 4, 1977, 7:30 p.m., with Councilpresident Middleton presiding over a regular session of the Common Council.

REGULAR SESSION
COMMON COUNCIL
August 4, 1977

Present: Middleton, Richardson, Olcott, Allison, Kinzer, Young, Towell, Morrison. Absent: Blume (due to death in his family).

ROLL CALL

Approximately 10 others were present.

Councilpresident Middleton gave the legislative synopsis. For Second Reading: Appropriation Ordinance 77-14, from GF and Parks and Rec. Funds re: Animal Control, City Clerk, and Winslow Park land purchase; Ordinance 77-51, To Amend Title 7 of the Municipal Code, Entitled "Animals"; Ordinance 77-52, To Amend Zoning Maps (ZO-33-77) re: 600, 602, 604, 606, 608, 610, 612 W. Wylie RS to SM; Ordinance 77-53, To Amend Zoning Maps (ZO-29-77) re: 1129 & 1133 S. Rogers St. RM to ML for parking lot expansion; Ordinance 77-58, To Amend Zoning Maps (ZO-23-77) re: 5418 & 4520 E. 3rd BL to BG for restaurant; Ordinance 77-57, Traffic Amendments re: 1-way Streets & Alleys, Restricted Parking Zones and Stop Intersections. For First Reading: Appropriation Ordinance 77-15, From CC and FRS Fund re: Winslow Sports Complex & Incinerator for Animal Shelter; Ordinance 77-59, To Ratify the Terms and Conditions of Acquisition of Property on the NW corner of the Square; Ordinance 77-60, To Authorize Acquisition of Property by the City of Bloomington, Indiana; Ordinance 77-62, To Create a Department of Public Works; Ordinance 77-61, Annexation of Adjacent and Contiguous Territory re: Johnson Addition.

AGENDA SUMMATION

Councilmember Towell noted that he found it interesting that recently a manager of a large apartment complex in the City had agreed to cooperate with the phone company as equipment is changed in all apartments, but had banded together with several other apartment complex landlords in not cooperating with Housing Inspections of the City.

MESSAGES FROM
COUNCILMEMBERS

Councilmember Richardson spoke of a meeting with Mr. Langley, Chief Housing Inspector, and Mr. Smith, the new City Engineer, regarding Housing Inspections, also attended by Al Towell. He and Councilmember Towell stressed their desire for strong enforcement of the Housing Code, since they represent districts with a large percentage of tenant population. He also spoke of the untidy conditions of City streets during the summer. He urged merchants to cooperate with clean-up of sidewalks, especially those in front of their businesses. He suggested the possibility of hiring CETA or other part-time staff to help clean up the downtown area.

Councilpresident Middleton spoke of the method by which a decision will be reached as to whether or not a Building Authority should be established. He noted that he had participated in a meeting with the County where efforts had been made to further City/County Cooperation with regard to this Building Authority.

Councilmember Richardson and Councilmember Kinzer concurred that the entire Council, not just the Councilpresident, should be informed of such meetings so that they also might participate.

Councilpresident Middleton responded that he felt that at times it is necessary for him alone to represent the Council, and that no final decisions were made in the meeting, which was an informal one.

Councilmembers Richardson and Kinzer reiterated their earlier comment that the Council should have been informed of the meeting.

After general discussion, Councilpresident Middleton assured the Council that they would be informed of all informal meetings that are to transpire.

City Attorney Richardson came forward to speak in regard to the question of the City's possible purchase of Pickwick Place.

He proposed that he go to the public sale at which this road would be up for sale and purchase it for the City. After such a purchase, the City would receive a deed to the property in two years.

Councilmember Kinzer challenged the wisdom of such a precedent-setting purchase, since the City often refuses to take over sub-standard streets such as the one in question.

After lengthy discussion, Councilmember Olcott offered to pay the back taxes due on the property to purchase it for the City. He then moved, and Councilmember Morrison seconded a motion to authorize the City Attorney's office to purchase the road. The motion was passed by a VOICE VOTE of Ayes: 7, Nays: 1(Kinzer).

In response to a final question from Councilmember Kinzer on the subject of the City's obligation to upgrade the street if purchased, City Attorney Richardson noted that the City would not necessarily have to upgrade it. He added that the street is not a dangerous one, and that it could be placed on a priority list along with other needed improvements in the City's streets.

The problem of damage inflicted by flying golf balls at Cascades Golf Course was then discussed. Bill Wilson, of the Parks and Recreation Department, came forward to report on action taken in their most recent meeting. He mentioned that Mr. Wells and the Kinser Pike Safety Association met with the Parks Board. A golf course architect was contacted and will visit the problem area to advise the City re: possible solutions. Among options this architect suggested without seeing the area were a fifteen to twenty foot extension to the existing fence and 15-20 foot poplars, a fast growing tree, to serve as a safety screen. The possibility of rearrangement of certain tees was also mentioned. Prices for these options were cited.

Councilmember Kinzer expressed concern for legal responsibility on and off the course. She noted that those suggested solutions mentioned thus far were long-term ones, and urged action to put an end to a situation where a City-owned golf course is creating a hazard to human safety.

City Attorney Richardson noted that the City's insurance company was not at all concerned with the matter of liability. Assumed risk is a factor here, since developers of the Kinser Pike neighborhood knew of possible danger to homes when they built them; homeowners purchased property there so that they could overlook the golf course. Efforts will be made to impress upon golfers that damage caused by balls which they hit is their responsibility. It was clarified that the City was not involved in decisions to allow improvements on roads in the area which resulted in heavier traffic or to build a school on Kinser Pike. The Monroe County Plan Commission granted approval in both cases.

It was generally agreed that legal aspects are secondary to finding an immediate solution to the problem that would satisfy long-term needs as well.

Mr. Wilson pointed out that a written response from the consulting golf course architect might be available as soon as Wednesday. He then responded to a request by Councilpresident Middleton to present a summary of his department's Annual Report. He noted that 1976 was a very good year for his department, and that it was anticipated that 1977 would also be a very good year. He looked forward to seeing completion of the neighborhood parks.

ANNUAL REPORT
Parks and Rec
tion Department

Councilmember Kinzer requested that Mr. Wilson make a public statement on the use of neighborhood parks by the public.

Mr. Wilson responded by saying that the neighborhood parks are built primarily with the neighborhood in mind, but any public park may be used by anyone. Concentrated efforts were given to neighborhood parks to relieve use of the larger community parks.

Councilmember Allison asked Mr. Wilson if indeed the Parks Dept. was responsible for keeping planters in the downtown area free from litter.

Mr. Wilson responded that such clean-up activity was a joint effort between the Streets Department and the Parks Department. Councilmember Allison brought to his attention excessive amounts of weeds and litter in the plantings at the parking lot at 6th and Lincoln. He promised immediate action.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to approve the Annual Report of the Parks and Recreation Department as presented. The motion was passed by a unanimous VOICE VOTE.

Councilmember Olcott moved and Councilmember Towell seconded a motion to appoint Councilpresident Middleton to the Solid Waste Disposal District Board of Trustees. The motion was passed by a unanimous VOICE VOTE. APPOINTMENT TO SOLID WASTE DISPOSAL DISTRICT

Councilmember Richardson moved and Councilmember Kinzer seconded a motion to amend the agenda so that Petitions and Communications would be heard next so that those citizens wishing to speak might be spared having to sit through consideration of legislation. Motion passed by a unanimous VOICE VOTE. AGENDA AMENDMENT
Petitions and Communications

Tom Wells, representing the Kinzer Pike Safety Association, came forward and expressed his satisfaction with the efforts being made by the Parks Board to alleviate the danger from golf balls from Cascades Golf Course. He noted that a door-to-door survey was being taken to determine areas where golf balls most frequently land so that position of a screen could be most effectively planned. PETITIONS AND COMMUNICATIONS

Bob Warner, a resident of the Kinzer Pike neighborhood, came forward and thanked the Council for hearing and responding to the problem being experienced in his neighborhood.

Councilmember Olcott mentioned the possibility of building a new golf course in the future and selling the property on which the Cascades Course is built.

Councilmember Olcott moved and Councilmember Towell seconded a motion to introduce and read Appropriation Ordinance 77-14 by title only. APPROPRIATION ORDINANCE 77-14 From GF and Parks and Rec. Fund

Clerk Dolnick read Appropriation Ordinance 77-14 by title only.

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

Councilmember Olcott gave the Committee Report and gave the legislative synopsis.

Appropriation Ordinance 77-14 was adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0. In the course of the Roll Call, Councilmember Kinzer asked whether or not the \$75,000 requested in this Appropriation Ordinance was also anticipated at the beginning of the year.

City Controller Pat Gross came forward and answered that the \$75,000 in question was not anticipated. She noted that the City was advised not to anticipate it by the Tax Board since it's receipt was so uncertain. It was noted that the money does not necessarily have to be used for land purchase, and that the money is on its way from the County.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-51 by title only. ORDINANCE 77-51
To Amend Title 7 of the Bloomington Municipal Code, "Animals"

Clerk Dolnick read Ordinance 77-51 by title only.

Councilmember Olcott moved and Councilmember Kinzer seconded a

motion to adopt Ordinance 77-51.

Councilmember Olcott read the legislative synopsis and gave the Committee Report, noting a "Do Pass" recommendation, with an amendment in 7.44.020, adding "at owner's expense", and in the following sentence, delete "for a period determined by the Senior Humane Officer". The vote for Do Pass was Ayes: 5, Nays: 0. Councilmember Olcott moved and Councilmember Morrison seconded a motion to amend Ordinance 77-51 in the above manner.

Motion carried by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-51 as amended. Motion carried by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-52 by title only.

ORDINANCE 77-52
Amend Zoning re:
lots on W. Wylie
Street RS to SM

Clerk Dolnick read Ordinance 77-52 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-52.

Councilmember Olcott read the legislative synopsis and gave the committee report, noting a Do Pass recommendation, subject to the condition that the petitioner abide by site plan requirements, including storm sewer retention. (The Plan Commission also passed the Ordinance under this condition).

Councilmember Towell noted that he was very pleased to see rezonings done in such a comprehensive manner, with more than one lot at a time being rezoned.

In answer to a question from Councilmember Kinzer regarding drainage requirements, Tim Mueller explained that he expects a letter from the hospital stating this commitment. There will be a chance for review with the building permit. He added that these regulations are already on the books, but it would show good faith on their part, and would assure the City of the hospital's awareness of the problem. If the land is sold, they would notify the new owner of their responsibility.

Ordinance 77-52 was adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-53 by title only.

ORDINANCE 77-53
To Amend Zoning Maps
(Z0-29-77) re: 1129
& 1133 S. Rogers St.
RM to ML

Clerk Dolnick read Ordinance 77-53 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-53.

Councilmember Olcott read the legislative synopsis and gave the Committee Report, noting a Do Pass recommendation of Ayes: 5, Nays: 0

Councilmember Kinzer asked of the likelihood of the property in question being used for purposes other than that for which it would be zoned.

City Planning Director Tim Mueller came forward and answered that other uses were possible for the property, and added that, in such a case, other parking places would have to be constructed to take the place of those used for other purposes.

Ordinance 77-53 was adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-58 by title only.

ORDINANCE 77-58
To Amend Zoning Maps (ZO-23-77) re: 4518 & 4520 E. 3rd St. BL to BG for restaurant

Clerk Dolnick read Ordinance 77-58 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-58.

Councilmember Olcott read the legislative synopsis and gave the Committee Report, noting a Do Not Pass vote of Ayes: 6, Nays: 0.

After general discussion, Councilmember Towell moved and Councilmember Morrison seconded a motion to table Ordinance 77-58 indefinitely.

Motion passed by a voice vote of Ayes: 7, Nays: 1 (Kinzer).

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-57 by title only.

ORDINANCE 77-57
Traffic Amendments re: 1-Way Streets & Alleys, Restricted Parking Zones & Stop Intersections

Clerk Dolnick read Ordinance 77-57 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-57.

Councilmember Olcott read the legislative synopsis and gave the Committee Report, noting a Do Pass recommendation, with a vote of Ayes: 6, Nays: 0. He added that a motion to delete Kirby Street under "One Way Street" failed by a vote of 4 to 2.

Councilmember Richardson moved and Councilmember Towell seconded a motion to delete Kirby Street from section 1. He explained that he felt that this street is not travelled heavily enough to necessitate a One Way designation. He spoke of the parking problem in the alleys, and noted that he felt this should be taken by the Police Department. He also urged consistency in regard to stop signs and one-way designations in the neighborhood.

Councilmember Kinzer spoke of the problem of width of the street in question, noting that it could not safely carry two cars.

Councilmember Richardson responded that all alleys downtown are that narrow. He suggested that since the alley is not heavily travelled, and for the sake of the convenience of citizens living near, the earlier motion to delete Kirby Street from the ordinance.

The amendment failed for lack of a majority, with a vote of Ayes: 4, Nays: 4 (Kinzer, Allison, Olcott, Towell).

Ordinance 77-57 was adopted by a unanimous VOICE VOTE of Ayes: 8, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 77-15 by title only.

FIRST READINGS
APPROPRIATION ORDINANCE 77-15
From CC and FRS Fund re: Winslow Sports Complex & Incinerator for Animal Shelter

Clerk Dolnick read Appropriation Ordinance 77-15 by title only.

Councilpresident Middleton read the legislative synopsis.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-59 by title only.

ORDINANCE 77-59
To Ratify the Terms & Conditions of Acquisition of Property on the NW Corner of the Square

Clerk Dolnick read Ordinance 77-59 by title only.

Councilpresident Middleton read the legislative synopsis. He then asked if there was any public input into FRS portions of the proposed budget. There was none.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-60 by title only.

ORDINANCE 77-60
To Authorize Acquisition of Property by the City re: NW corner of Square

Clerk Dolnick read Ordinance 77-60 by title only.

Councilpresident Middleton read the legislative synopsis.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-62 by title only.

ORDINANCE 77-62
To Create a Department of Public Works

Clerk Dolnick read Ordinance 77-62 by title only.

Councilpresident Middleton read the legislative synopsis.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-61 by title only.

ORDINANCE 77-61
Annexation of Adjacent and Contiguous Territory re: Johnson Addition

Clerk Dolnick read Ordinance 77-61 by title only.

Councilpresident Middleton read the legislative synopsis.

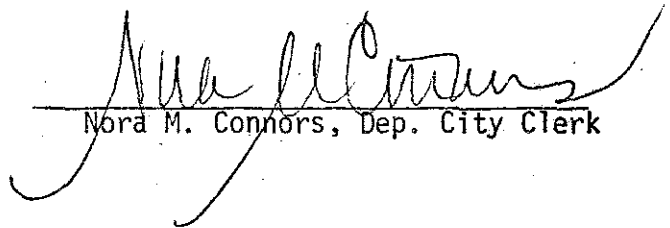
The meeting was then adjourned at 9:20 p.m.

ADJOURNMENT

APPROVE:



Thomas O Middleton, President
Bloomington Common Council



Nora M. Connors, Dep. City Clerk

Approved upon this 19 day of August 1977.

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