

In the Common Council Chambers of the Municipal Building, the Common Council held a Regular Session on Thursday, September 15, 1977, at 7:30 p.m. with Councilpresident Middleton presiding.

REGULAR SESSION
September 15, 1977

Present: Morrison, Towell, Young, Kinzer, Allison, Blume, Olcott, Richardson, Olcott. Absent: None.

ROLL CALL

Councilpresident Middleton read the agenda summation. For Second Reading, Resolution 77-18, To Approve Short-Range Bus Transportation Technical Study for the City of Bloomington, Indiana and Accepting Said Study as a Plan to Guide the Transportation System; Resolution 77-19, To Affirm Approval of Short-Range Bus Transportation Technical Study for the City of Bloomington, Indiana, and Accepting said Study as a Plan, and Stating Intent to Provide Financial Support Therefor; Appropriation Ordinance 77-17, From FRS re: Human Resources, Board of Public Works, & Parks & Recreation; Ordinance 77-69, Concerning Parking Downtown and Amending Chapter 15 of the BMC; Ordinance 77-65, Concerning Emergency Fire Lanes; For First Reading, Ordinance 77-79, Budget Transfers, re: Animal Control, Board of Public Works, Controller's Office, and Fire Department; Appropriation Ordinance 77-18, To Appropriate Funds from CC for Bryan Park pool "bubble" repairs; Ordinance 77-75, To Authorize Acquisition of Property by the City; Ordinance 77-77, Concerning Iceboxes, Refrigerators, Ice Chests, Ice Makers and Freezers; Ordinance 77-78, To Amend the Penalty Provision of the Bloomington Municipal Code; Ordinance 77-76 To Amend Ordinance 66-20 Concerning Water Rates. Minutes for Approval, August 29, 1977.

AGENDA SUMMATION

Councilmember Morrison expressed his satisfaction that the Street Department had begun the work of paving a parking lot on the corner of 6th and Morton, although the project is 4 years behind schedule.

MESSAGES FROM
COUNCILMEMBERS

Councilmember Kinzer pointed out that she submitted the format for this year's budget, which was praised by many, featuring departmental listings of programs and their costs. Another suggestion which she made, that of giving careful consideration to essential programs and other programs considered *desirable* by department heads, was acknowledged, and it was hoped that this detail would appear in next year's budget format. She also spoke of recent publicity given to IU/City relations, especially in regard to the Transit Study. The fact that Mr. Wray, Coordinator of Public Works, had rejected the study was misinterpreted in the IDS. Among the reasons for rejection were gross typing errors and the omission of important dates. Regarding IU/City relations, Councilmember Kinzer spoke of the importance of the City taking a stand, especially in regards to water usage fees and parking for students and faculty. Finally, she spoke of the need for the presentation of a breakdown of services provided from the Utilities Department.

Councilmember Allison announced to the Council that a committee would be meeting in the coming week regarding the Clean City Campaign. She noted that planning for this has begun.

Councilmember Blume spoke in relation to Councilmember Kinzer's earlier statement on the Franchise agreement, pointing out that a study is being done, and relevant information gathered. He pointed out that serious attention is being paid to the validity of paying certain people 65% of their salaries. Regarding minimum water rates, he related a proposal made at the Water Rates Hearing, where the minimum rate would be eliminated and replaced by a service charge for usage. Although he objected to this proposal at first, he now supports it, having been informed by Mr. Brown from Black & Veatch that no revenue would be lost if this were done.

Councilmember Olcott mentioned that the parking lot at 6th & Morton, spoken of by Councilmember Morrison, would have 12-hour meters. He also expressed his concern that great haste be exercised in correcting the problem with traffic lights at the intersection of College/Walnut & the Bypass.

He noted that in response from a call from a constituent he planned to write a letter to the Human Rights Commission, requesting the resignation of Mr. LaCava.

Councilmember Richardson concurred with earlier remarks by Councilmember Blume re: minimum water rates, adding that he supports having a service charge. He acknowledged the excellent work done through the years as Grant Coordinator by Eve Brigl, who would soon be leaving for another job. He was especially grateful for her help in obtaining the most recent Criminal Justice Grant. He hoped that her replacement would have the excellent qualification shown by Ms. Brigl. He welcomed the new housing inspectors, being glad to see the Engineering Department fully staffed. He expressed his satisfaction with the Mayor's appropriation of an additional \$2,000 for the Youth Shelter Care Facility, and was grateful for the cooperation of the Mayor and this staff in making this Facility a reality.

Councilmember Towell noted that a meeting of the Downtown Committee has been tentatively scheduled for September 29.

Councilpresident Middleton echoed the earlier plaudits for Eve Brigl. He spoke of his attendance at the recent CAP meeting. There he was concerned with documents presented, feeling that they did not represent the people of the community. He noted that he would be attending the IACT convention soon, and would need two more councilmembers to go along.

Betsy Williams, Director of the Animal Shelter, came forward and, in response to a question from Councilmember Kinzer, spoke of changes being made in the Shelter. She spoke of negotiations in progress with the Humane Association which would result in, among other things, substantial improvements at the Animal Shelter, with construction planned to begin in October. Work is being done with the Animal Control Commission and the Humane Association to arrive at amendments to the Animal Control Ordinance. She is doing much to reorganize and upgrade personnel.

ANNUAL REPORT:
ANIMAL SHELTER

Answering a question from Councilmember Young on the status of the incinerator, she noted that bids would open in the next week, an award made soon after, and, hopefully, installation in October.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to accept the Annual Report of the Animal Shelter for 1976 as submitted.

The motion was passed by a unanimous VOICE VOTE.

Mr. Hilliard came forward to speak of a problem relating to a sign which stands on property directly adjacent to his property.

PETITIONS &
COMMUNICATIONS

City Attorney Steve Richardson came forward and noted that his office had been contacted by Mr. Hilliard's attorney. The problem had been referred to the Deputy City Attorney, Alice Craft, and the Planning Department.

When asked by Councilmember Kinzer to detail exactly what he saw as a violation in the case, Mr. Hilliard noted that this same violation had been reported last year, and assurances given by the City that the sign would have to come down by June 30, 1977. He was dismayed that the situation had now reached the point that an attorney had to be hired to seek the enforcement of a City ordinance, normally the responsibility of the City Engineer. Specific violations include excessive size, proximity to the edge of the property, and a construction date which makes it subject to the conditions of the ordinance in question.

City Engineer Steve Smith spoke of efforts being made to reactivate the program whereby the "Sign" Ordinance is enforced.

Councilpresident Middleton advised Mr. Smith and Mr. Richardson to compile a report on this situation and circulate it to the Councilmembers before the next Council meeting.

Councilmember Kinzer suggested that a legal notice be sent tomorrow, since there was confusion as to whether any previous notices had been sent.

In discussion it was concluded that the major objection to the sign was that it is unattractive, unnecessarily large, and that it hides part of the building on the adjacent property.

Councilmember Towell pointed out that much effort was given to legislating a sign ordinance and as much effort should now be given to its enforcement.

Councilmember Young stated that he was of the opinion that the ordinance is working well, but has a few "bugs" such as the problem being discussed that have to be resolved.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Resolution 77-18 in full.

Deputy City Clerk Connors read Resolution 77-18 in full.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Resolution 77-18.

Councilmember Olcott read the legislative synopsis and gave the Committee Report, noting a DO PASS recommendation of 6 to 0.

Councilmember Morrison wondered what was being referred to as an "emergency" in the Resolution.

Mr. Wray, Coordinator of Public Works, pointed out that a technical study must be completed before a grant application can be approved. He noted that without the money which will result from the grant, there will be no money with which to replace the City's busses when necessary.

City Attorney Richardson spoke further on the question, reiterating that the money spoken of within the Resolution is out of the budget year, and noted that the phraseology which included "emergency" often appears in resolutions.

Resolution 77-18 was adopted by a unanimous ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read resolution 77-19 in full.

Deputy City Clerk Connors read Resolution 77-19 in full.

Councilmember Olcott moved and Councilmember Towell seconded a motion to adopt Resolution 77-19.

Councilmember Olcott read the legislative synopsis and gave the Committee Report, noting a DO PASS recommendation of Ayes: 6, Nays: 0.

Councilmember Kinzer spoke of assurances given that the City was under no obligation to accept the recommendations of the Technical Study, when submitted.

City Attorney Richardson supported this. He elucidated the meaning of the Resolution, saying that the City would probably have to supply money in addition to that obtained in the grant, although the amount was uncertain at the present time.

RESOLUTION 77-18
To Approve Short-Range Bus Transportation Technical Study for the City of Bloomington, Ind. and Accepting Said Study as a Plan to Guide the Transportation System

RESOLUTION 77-19
To Affirm Approval of a Short-Term Bus Transportation Technical Study for the City of Bloomington, Indiana and Accepting said Study as a Plan, and Stating Intent to Provide Financial Support Therefor

Resolution 77-19 was adopted by a unanimous ROLL CALL VOTE of Ayes: 9, Nays: 0. In the course of the voting, Councilmember Morrison suggested that the Council study the MERC Transportation Plan of 1968.

A general discussion followed on the history of Mass Transit in Bloomington.

Councilpresident Middleton left the meeting.

President Pro-tem Richardson noted that Ordinance 77-61 had been tabled.

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

APPROPRIATION ORDINANCE 77-17
From FRS

Deputy City Clerk Connors read Appropriation Ordinance 77-17 by title only.

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

Councilmember Olcott read the legislative synopsis and gave the Committee Report, noting a DO PASS recommendation of Ayes: 5, Nays: 0, Abstentions: 2. (Towell, Richardson).

Councilmember Towell indicated his support for the Appropriation Ordinance, and hoped that the contribution to the Youth Shelter could be increased.

Councilpresident Pro-tem Richardson noted that the Mayor had expressed his intent to increase the youth shelter appropriation by at least \$2,000, but would not be able to do so immediately because of advertisement requirements.

In discussion, it was clarified that the City's obligation to pay three month's rent on the Park and Shop lot would begin with the first rent payment in October.

Councilmember Kinzer asked Bill Wilson, Director of the Parks and Recreation Department, why funds for the repairs to the Lake Lemon Boat Ramp were not included in the budget.

Mr. Wilson noted that the funds were proposed in the Capital Improvement line item rather than Operating Budget.

Councilpresident Pro-tem Richardson spoke of his search for alternate funding sources. He asked Debbie Mantell, the Mayor's Assistant, whether the needed funds could come from Cumulative Capital. She said that they could not, since a \$35,000 balance was being maintained therein in case a decision was made to purchase property off the NW Corner of the Square (The Thrasher Building).

Appropriation Ordinance 77-17 was adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Mr. Wilson expressed his gratitude to Eve Brigl for her work in obtaining the grant for the Winslow Park Complex of \$1,200,000.

Councilmember Olcott spoke of the pride all involved in the Winslow Park Project could deservedly feel since the Complex will be exceptional and unique in the state.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-69 by title only.

ORDINANCE 77-69
Concerning Parking
Downtown & Amendin
Chpt. 15 of the B

Deputy City Clerk Connors read Ordinance 77-69 by title only.

Councilmember Olcott moved and Councilmember Towell seconded a motion to adopt Ordinance 77-69.

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

Councilmember Kinzer wondered at the possibility of increasing the time allowance in Lot #3 so that downtown employees could park therein for the entire day without having to return to the meter frequently during the day.

Councilmember Olcott pointed out that to make the lot an all-day one might make it unavailable for use by shoppers, the very people whom efforts are being made to attract to the area.

City Controller Pat Gross noted that downtown employees can purchase parking stickers for lots other than the one under discussion.

Councilmember Kinzer moved and Councilmember Olcott seconded a motion to amend the Ordinance by substituting sections I & II

Ordinance 77-69 was thus amended by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Blume felt that by extending the time limit for the lot, the Council would be defeating its purpose of having a rapid turnover of cars using the lot.

Councilmember Olcott noted that this point had been raised in the Downtown Committee. Many there felt that shoppers often shop for more than 2 hours. The lot is not at this point being used to capacity.

Ordinance 77-69 was passed as amended by a unanimous ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-65 by title only.

ORDINANCE 77-65
Concerning Emergency
Fire Lanes

Deputy City Clerk Connors read Ordinance 77-65 by title only.

Councilmember Olcott moved and Councilmember Kinzer seconded a motion to adopt Ordinance 77-65.

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

Councilmember Towell pointed out that the ordinance which would be updated by the ordinance under discussion was passed as an experiment, and has proven successful.

Ordinance 77-65 was adopted by a unanimous ROLL CALL VOTE of Ayes: 8, Nays: 0.

FIRST READINGS
ORDINANCE 77-79

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-79 by title only.

Budget Transfers re:
Animal Control, Bd.
of Works, Control-
ler's Office, & Fire
Department

Deputy City Clerk Connors read Ordinance 77-79 by title only.

Councilpresident Pro-tem Richardson read the legislative synopsis.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 77-18 by title only.

APPROPRIATION ORDI-
NANCE 77-18
From CC for Bryan
Park Pool "bubble"
repairs

Deputy City Clerk read Appropriation Ordinance 77-18 by title only.

Councilpresident Pro-tem Richardson read the legislative synopsis.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-75 by title only.

Deputy City Clerk Connors read Ordinance 77-75 by title only.

Councilpresident Pro-tem Richardson read the legislative synopsis.

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

Deputy City Clerk Connors read Ordinance 77-77 by title only.

Councilpresident Pro-tem Richardson read the legislative synopsis.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-78 by title only.

Deputy City Clerk Connors read Ordinance 77-78 by title only.

Councilpresident Pro-tem Richardson read the legislative synopsis.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-76 by title only.

Deputy City Clerk Connors read Ordinance 77-76 by title only.

Councilpresident Pro-tem Richardson read the legislative synopsis.

Councilmember Olcott moved and Councilmember Young seconded a motion to accept the minutes of August 29, 1977.

The motion was passed by a unanimous VOICE VOTE.

The meeting was adjourned at 9:07 p.m.

After the adjournment, Councilmember Kinzer reminded the City Attorney that he is responsible to all City residents, and she stated that she is concerned that the City should investigate the Fee & Fee Insurance sign at 3rd and Washington.

Approved at this meeting of October 6, 1977.

APPROVE:

Thomas O. Middleton M.D.

Thomas O Middleton, President
Bloomington Common Council

ATTEST:

Nora M. Connors

Nora M. Connors, Deputy City Clerk

ORDINANCE 77-75
To Authorize Acquisition of Property by the City of Bloomington, IN re: NW Corner of the Square--The Building

ORDINANCE 77-77
Concerning Iceboxes Refrigerators, Ice Chests, re: Requirements to remove latches, secure doors

ORDINANCE 77-78
To Amend the Penal Provision of the B

ORDINANCE 77-76
To Amend Ordinance 66-20 Concerning Water Rates

MINUTES FOR APPROVAL
August 29, 1977

ADJOURNMENT