

In the Common Council Chambers held on November 3, 1977, at 7:30 p.m., with Councilpresident Middleton presiding over a regular session of the Council.

COMMON COUNCIL  
NOVEMBER 3, 1977  
REGULAR SESSION

Councilmembers present: Morrison, Towell, Middleton, Allison, Blume, Olcott and Richardson. Absent: Councilmembers Kinzer (out of town on family business) and Young. (\*Note-these minutes are a summary of the meeting, tapes of the meeting on file in Council Office). Councilpresident Middleton began the meeting with the agenda summation. First, the 1976 Annual Report of the Commission on the Status of Women. For second reading, Resolution 77-27, To Authorize the Controller to Pay Dues for Various Organizations; Resolution 77-34, To Continue the Existence of the Special Council Committee on the Downtown; Ordinance 77-89, Budget Transfer; Appropriation Ordinance 77-20, Appropriating from the Operating Funds of the Water and Wastewater Utility and from the Depreciation Fund of the Water Utility Expenditures Not Otherwise Appropriated; Ordinance 77-64, To Amend Title 15 of the Bloomington Municipal Code, Entitled, No Parking Zones and Stop Intersections; Ordinance 77-86, Budget Transfer for the Human Resources Department; Ordinance 77-83, To Amend Zoning Maps re: Weatherwax Estate, at N. Fess and Jordan Avenue, SI to RH; Ordinance 77-73, To Amend Zoning Maps, re: SE Corner of E. 10th Street and 46 Bypass RH to BA for shopping center; Ordinance 77-75, To Ratify the Terms and Conditions of Acquisition of Property Off the NW Corner of the Square (Thrasher Building); and Ordinance 77-74, To Amend Title 7 of the Bloomington Municipal Code, Entitled, Animals. Ordinance 77-61 was removed from the agenda.

ROLL CALL

AGENDA SUMMATION

Councilpresident Middleton asked for Messages from Councilmembers.

MESSAGES FROM  
COUNCILMEMBERS

Councilmember Richardson began his remarks by complimenting Mayor McCloskey on his decision to hire David LaCascio as his new Aide. He welcomed Mr. LaCascio to the City of Bloomington, and expressed his feeling that he will be an asset to the City administration. Secondly, he noted that Kirby Street, which is better known as an alley, had been paved.

Councilmember Blume said that Bloomington is a beautiful place to live, and it is quite a job to keep it clean. He noted that several people had approached him to complain of the litter problem in the city, particularly in the gutters. He suggested that the City alternately designate no parking zones on both sides of the streets so that street sweepers could come in to clean them.

Councilmember Allison reported on Operation City Beautiful, of which she is a member. She commended Jean Strohm of the Department of Public Works for her work in getting new wastebaskets installed downtown, and in coordinating efforts to repaint the railroad underpass on College Street. She continued that the Committee is lining up business and industrial leaders to assist in an on-going "attack" on this problem.

Councilmember Morrison reported that the reconstruction of West Sixth Street is underway. He said that when they get as far as Rogers Street, the street will have to be torn up to install storm sewers. He urged area residents to be patient with this matter, and apologized for any inconvenience it may cause them. He then thanked the Mayor and Elizabeth Bridgewater, Ronnie Bland, and Zola White for the work they have done in helping to initiate the NDP program.

Councilmember Olcott congratulated Councilpresident Middleton on the birth of his new son.

Councilpresident Middleton thanked the Council for gifts they sent for the baby, and reported that mother and son are doing fine.

Mayor McCloskey then gave his message. First, he congratulated Councilpresident Middleton on the birth of his son. Second, he welcomed David LaCascio to his staff as his new aide. He noted that David has had considerable experience with cooperative movements such as the Earth Kitchen and Bloomingfoods. He said he will be looking for a major contribution to the City from David. He then expressed the City's loss in the death of Bruce Temple. He said that Mr. Temple hired him as a reporter in 1964, which is why he came to Bloomington. Mr. Temple was a fair and good man, and McCloskey said he will be sorely missed. He noted that the City is the recent recipient of five grants in the last thirty days: the HUD grant, Section VIII rent subsidy, EDA project for Winslow Park, etc. He continued that Urban Development Action Grants may be coming next year. He complimented the Council Committees on support of the purchase of the Thrasher Building. He added that the Downtown Committee has done a good job in this area. Finally, he said he was very pleased to hear the Court's decision in favor of the cities in the Tax Commissioner's case. He said it has significant influence on the bonding powers of the City. He noted that even the Indianapolis Star agreed with the cities on this issue. *He denied that this suit was not motivated by deciding to arbitrarily increase taxes, but in the interest of serving local needs at the local level without good reason and community support.*

MESSAGE FROM  
THE MAYOR

Debbie Horning then gave the 1976 Commission on the Status Women annual report. She distributed their new pamphlet which sets out the purposes of the Commission. She said that one thing that was left out of the 1976 report was the Commission's concern about what they could accomplish if they had the financial means. A considerable amount of the Commission's time was spent on budget preparation and the International Women's Year forum. The Commission has recently been involved in forming job forums. She also reported that the Commission has a very high "burn-out" rate, as far as member turnover goes. Al Klassen, also of the Commission, said that they are concerned with the lack of responsibility of the members. They have no money for staffing except for work study, so they have to depend on the members for all the work. He contended that the reason people have been quitting is the large amount of work required. Eight of the twelve Commission members have been appointed after January, 1976.

ANNUAL REPORT  
FOR 1976 - WOMEN'S  
COMMISSION

Councilmember Blume moved and Councilmember Allison seconded a motion to approve the report. Unanimous approval.

There were no Petitions and Communications from the public.

PETITIONS &  
COMMUNICATIONS

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Resolution 77-27 in entirety.

RESOLUTION 77-27  
Authorizing Controller to pay dues for organizations.

Clerk Dolnick read Resolution 77-27 in entirety.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Resolution 77-27.

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

Resolution 77-27 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Resolution 77-31 in entirety.

RESOLUTION 77-31  
To Continue the Existence of the Downtown Committee

Clerk Dolnick read Resolution 77-31 in entirety.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Resolution 77-31.

Councilmember Olcott read the legislative synopsis and gave the committee report, noting a Do Pass recommendation.

Councilmember Blume took issue with the phrase in the synopsis that says the committee has been successful in meeting its goals, and suggested that it be changed to read "successful in continuing efforts" to meet its goals. This amendment was unanimously approved.

Resolution 77-34 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-89 by title only.

ORDINANCE 77-89  
Utilities Department  
Budget Transfer

Clerk Dolnick read Ordinance 77-89 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-89.

Councilmember Olcott read the legislative synopsis and gave the Committee report. The Committee recommended Do Pass by a vote of Ayes: 4, Nays: 2 (Young and Richardson).

Councilmember Richardson explained his nay vote. He said he is concerned that the Council is accountable for utilities actions, but they are not involved with the decision-making process or day-to-day operation of the Department. He said he does not like to "bail out" the USB for their carelessness with their budget. He said he wrote a letter to the President of the League of Women Voters, Ms. Alice Deppe, with the suggestion that one of three courses of action be taken: make the department work more efficiently; have the civil city take over the operation of the Department; or sell the utility. Ms. Deppe recommended that the first option be taken, that of making the department work. He requested that the League take the matter under study in April. He then criticized the newspapers for taking the Council to task for the delays and all the questions asked on utilities matters, stating that they claim that if the Council asks questions it's termed as meddling or being political. He explained that if he is to vote on these issues, he would like to be involved in the decision-making process. He said he has very broad concerns in this area.

Councilmember Towell responded to Richardson's remarks. He said he was on the Council when the Utility was being run by the Board of Public Works. He said the administration of the department was very lax then, and the funds were more liquid. No one could keep track of the department because the system was not accountable. In the minds of some, the department was one large "slush fund". He noted that the USB now hires the director and many employees, taking this out of the political arena. They used to operate on a federal grant that was just about to run out when the USB took over. He explained that there is bound to be a difficult transition in making the Utility independent, and he contended that this period may now be ending. He said the City could go back to the old way, but reminded Councilmember Richardson that the people and the League of Women Voters recommend otherwise. Now the Council has worked out a system of checks and balances which is a great improvement over the previous system.

Councilmember Blume echoed Towell's remarks. He remarked that he does not want to see the Council involved in the day-to-day operation of the Utility, stating that this is the USB's, and the director's job. He said he suspects the Utility had similar problems before 1973, but the Council probably did not know about them. He explained that the problems they have been having may be due to the fact that they have had four directors in as many years, and also

quite a few business managers. There have also been several different accounting systems to add to the confusion. He said things are finally getting worked out in the Utility Department, noting that the rate increase will improve matters significantly. He added that the USB has recently issued a new policy statement.

Councilmember Olcott said he agreed with Councilmember Towell's remarks. He asked if the petition had been filed on October 28 with the P.S.C. as promised, and Dave Rogers answered that it had been filed on time.

Councilmember Morrison expressed dismay at how the USB could formulate a budget without noticing the large deficit. He urged the USB to take more caution in the future.

Councilpresident Middleton commended the members of the USB for the extensive time and effort they put into the operation of the Utility. He said there may be some problems with procedures, but the USB has accepted a great responsibility, and for the most part, they are doing a very good job. He said he would not want to consider the City taking ownership of the Utility.

Councilmember Richardson questioned the USB's accountability, noting that they are not elected officials.

Jack Martin, President of the USB, addressed the Council. He said the Utilities Department operates efficiently, and is run by a professional staff. Due to the quality of the staff, capital costs have been reduced. He gave the example of the improvements at the Lake Monroe Treatment Plant. The staff convinced the state that their plan for producing more water would work, and it has. He explained the deficits in the budget. First, there was a \$96,000 increase in electric power, which is not reflected in the 1977 budget. In mid-1976, the USB was informed of the need for an additional appropriation, but with the changes in staff, they did not go for the appropriation. The 1977 budget was based on a 7-10% increase over 1976, which turned out to be woefully inadequate. In answer to a question from Councilmember Olcott, he said that all income must come into funds at a particular ratio. The bond account received more than necessary so this is what is being transferred to operation and maintenance and depreciation. He said this has been done before. As far as the status of the bonds, Jack said that there is now a \$33,000 deficit in the water utility. In late 1976, they were at the break-even point. They knew there would be a deficit so a rate study was authorized in December, with the thought that it would be completed in late 1977, which it obviously was not. Therefore, the operation and maintenance working capital (45 days worth) was used. The rate increase would have built this fund back up, but then the freeze came. This ate away another 30 days of reserve. He said the USB and the Utility Director are making every effort to reduce expenditures, but the amount needed is simply too large for much adjustment.

Art Knollman repeated Martin's statements. He added that they have taken a close look at all divisions to see where costs can be cut. They have not been replacing personnel who have resigned. He, too, noted that the amount needed is far in excess of what could be made up in normal budgetary procedures.

Dave Rogers addressed the problem of uncollectible accounts. He said they lose approximately \$1,500 monthly in unpaid accounts, mainly due to the large transient population. He said the property owner is responsible, but these accounts are often very difficult to collect, since they cannot be collected from future residents. He reminded the Council that the USB did away with deposit requirements about a year ago.

Councilmember Morrison suggested that the USB go back to the deposit system, since the new procedure is obviously not working. He noted that the property owner must pay delinquent sewer accounts. He said he does not like the idea of subsidizing transients.

Dave Rogers replied that most of the accounts are \$5-\$10 and are not worth pursuing in court. When they are all added up, however, it comes out to a substantial amount. He said perhaps the new deposit system should be re-evaluated by the USB since it has been <sup>in effect</sup> one year.

In answer to a question from Councilmember Richardson regarding the total amount lost each month in each of the utilities, Art Knollman replied that there is approximately a \$50,000 deficit monthly with water and wastewater plus capital. He then explained the formulas used to arrive at this figure in detail.

Ordinance 77-89 was then adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 1 (Richardson).

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 77-20 by title only.

APPROPRIATION  
ORDINANCE 77-20  
From O&M of Water &  
Wastewater Utility  
& From Depreciation  
Fund

Clerk Dolnick read Appropriation Ordinance 77-20 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Appropriation Ordinance 77-20.

Councilmember Blume read the legislative synopsis and gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 4, Nays: 2 (Young and Richardson).

Art Knollman explained that there were several things left out of the water budget for no apparent reason. For example, no line item was in the budget for water meters or water line extensions. There are other obligations such as hydrant, valve replacements, extensions, pending expenses, the Monroe Plant, a new sludge pump at Griffey, new chlorination equipment, etc. They are working to have these projects completed this year. Some projects are in design and some have bids let.

Councilmember Morrison asked that the USB reassess their open account policy on water so that deposits would be reinstated. He asked that this be brought back before the Council for adoption as a new deposit policy.

Appropriation Ordinance 77-20 was then adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 1 (Richardson).

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-64 by title only.

ORDINANCE 77-64  
Amend No Parking  
Zones & Stop Inter-  
sections

Clerk Dolnick read Ordinance 77-64 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-64.

Councilmember Olcott read the legislative synopsis and gave the committee report, noting a motion to amend #5, to change from "east" side of street to "west" side of street for parking on Jackson Street. He then made a motion to this effect which Councilmember Richardson seconded. Motion carried by a unanimous voice vote.

Councilmember Morrison explained the reasons for the amendment. He said that one lady in the center of the block and a man on the corner of Eighth and Jackson, <sup>COMPLAINANT</sup> The man has a medical disability and must park on the east side of the street, which is inconvenient. Also, the good sidewalks are on the west side of the street. He contended that it is much safer to have parking on the east side of the street.

Ordinance 77-64 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-86 by title only.

ORDINANCE 77-86  
Budget Transfer  
Human Resources  
for HRC Attorney

Clerk Dolnick read Ordinance 77-86 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-86.

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

In answer to a question from Councilmember Morrison regarding whether there is a need for an additional attorney, Steve Richardson explained that the Commission needs an attorney to represent the Commission and the individual complainant in the Ieva Hartwell case. Bruce Wackowski was the HRC attorney for this case until he left to take a new job. The decision declaring Human Rights Commissions unconstitutional came down just as Bruce was leaving. I.U. did not contest the constitutionality of the enactment before the court, and neither did Judge Hill. He termed the court's decision "one of the worst written in Indiana in some time". This means that Indiana's Human Rights Commissions can be eliminated at the local level. He noted that this money has been appropriated, and would have been spent had Bruce remained in the City's employment. He stressed that the case is the most important one the Commission has ever faced. There are actually two cases involved; the Human Rights Commission and Ieva Hartwell, and the City's case, which would contend that cities do in fact have the power to create their own Commissions. In arguments before the Supreme Court, these two separate sides must be argued, and as much argument time as possible will be needed for this very complicated case. Two slots of time cannot be allotted to one person. The transfer of funds will allow the Commission to hire an attorney to argue this case for them. It would be very difficult to hire another full-time attorney for the Commission when their fate is yet undecided. He said that Bruce's brief to this point would prepare the new attorney for the case very well. In answer to a question from Councilpresident Middleton regarding what would happen if the Supreme Court upholds the lower court, Steve said there would no longer be a local Human Rights Commission.

Councilmember Olcott asked if there were other Human Rights Commission attorneys arguing the case. Steve Richardson answered several will submit briefs, but it is up to the court as to whether they will be admitted. Bloomington has the unique position in the case since the case came from their Commission.

Councilmember Olcott said that he feels the City is helping a private citizen attack the City's largest industry, and the City is paying for it. He claimed that the City is trying to help her get a settlement from the university.

Steve answered that it is an element, but there is also a question of whether the University is under the jurisdiction of local Commissions. He said even the best intended individuals sometimes defy the law. It is especially important since I.U. is in fact one of the City's largest employers. He added that the HRC has been representing Ms. Hartwell for four and one half years now, and it would not be ethical to drop her case at this point.

Councilmember Richardson remarked in answer to Councilmember Olcott's remarks that the ordinance covers Ms. Hartwell, and she should be defended. He added that the City should not have to consider whether an employer is the the biggest in the City since the ordinance applies to all employers.

Councilmember Blume asked why Bruce Wackowski cannot dedicate his time to the case. Steve answered that Bruce's employers would not be enthusiastic with that suggestion. He explained that a considerable amount of preparation is involved before the actual argument. Mayor McCloskey answered that Bruce had told him it would be impossible for him to represent the HRC at this point.

Jim Regester, Corporate Counsel, reiterated Steve's points, stating that the City Attorney is not in a position to represent the Human Rights Commission, since he cannot represent both sides. He said it is not unusual to hire special counsel for one case. In answer to Councilmember Olcott's remarks regarding the City paying to represent a private citizen, he said that this is often the case when a principle such as this is involved. If the City does not do this, they are saying they do not want a Human Rights Commission. He admitted that the chances of the City winning the case are not good.

Councilmember Blume remarked that the City may be putting the cart before the horse in granting the transfer when the HRC has already been declared unconstitutional.

In answer to a question from Councilmember Olcott, Steve said that if the Supreme Court refuses to hear the case, it's all over; there will be no local Human Rights Commissions, and the court's opinion would stand.

Councilpresident Middleton said he feels Steve is right in arguing the case on the basis of the powers of the cities. This is the issue at hand, he said.

Steve remarked that if the Supreme Court refuses the case, the money will not be spent since there would be no argument before the court. In answer to Councilmember Olcott's question regarding the likelihood of the Supreme Court taking the case, Steve said it is a good case for the Court, and he expects them to take it. They will know soon after submitting the brief if the Supreme Court will take the case.

Ordinance 77-86 was then adopted by a ROLL CALL VOTE of Ayes: 5, Nays: 2 (Olcott, Blume).

Councilmember Towell remarked during the vote that it is a very historic moment in Indiana history, and it is out of such struggles that very important decisions are made. He urged the Council to play their part as well as they can since they embarked on this issue four and one half years ago; they cannot stop now.

Councilpresident Middleton said that the issue of separation of powers is very important, and needs to be clarified.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-83 by title only.

ORDINANCE 77-83  
Amend Zoning re:  
Weatherwax Estate  
SI to RH

Clerk Dolnick read Ordinance 77-83 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-83.

Councilmember Olcott read the legislative synopsis and gave the committee report, noting a Do Pass recommendation with an amendment to RL instead of the present RH.

He then moved that it be amended to RL and Councilmember Blume seconded the motion. Motion carried by a vote of Ayes: 7, Nays: 0. There was no opposition from area residents.

Councilmember Olcott moved and Councilmember Blume seconded a motion to adopt Ordinance 77-83 as amended. Motion carried by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

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

ORDINANCE 77-75  
Approve Acquisition of Thrasher Building

Clerk Dolnick read Ordinance 77-75 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-75.

Councilmember Olcott read the legislative synopsis and gave the committee report, with a Do Pass recommendation by a vote of Ayes: 5, Abstentions: 1 (Richardson, who requested additional information, and time to see what will happen to the Graham Hotel).

Jim Wray explained that the situation with American United Life's purchase of the hotel is in limbo. The option expired October 31. He has not been able to reach them. HUD has informed the City that funding will be available for Section VIII housing late in the year. They do not know if they will extend their option for the property.

In answer to a question from Councilmember Richardson regarding how much cumulative capital funds will be left over at the end of the year, Pat Gross said that more is left over because a considerable amount of sidewalk assessments were collected when the auditor's requested that the city collect these back bills in the amount of \$13,000. She said the balance should be about \$20,000 at the end of the year with no foreseeable expenses.

Councilmember Allison remarked that she felt development downtown is a good idea, but doubted that sufficient funds would be available without a City/County Building Authority. Without being able to complete the project, \$600,000 is too much to tie up on the northwest corner off the square. She noted that perhaps UDAG grants or the possibility of leasing from private developers could be considered, but none the less, funding is tentative and she cannot vote yes.

Mayor McCloskey said he understood Ms. Allison's point of view; however, over the last six months, the Council made a basic policy decision to authorize resolutions in this area involving development of the property. He said the county's situation and funding possibilities are still up in the air, but if the City does not move now, the opportunity may be lost. He added that the Downtown Committee agrees with him on this. He said tying up funds can be justified when all of the benefits are considered.

Councilmember Towell said that no one thought there would be a parking garage on the whole block. Parking is not the sole reason for purchasing the whole block.

Councilmember Richardson said he voted against purchase of the Park and Shop area of the block, and noted that he shares Councilmember Allison's concerns in this area.

Councilmember Blume said that the fate of the Graham Hotel is not something to base this decision on. Parking will be needed in any case.



11/3/77  
Council MS.

Councilmember Olcott said that when the Council gave the Mayor's Office the go-ahead on this project, they also in effect condemned the use of this building. He said it is an eyesore on the downtown community.

Jim Wray responded by saying that communications with the county on space needs are better than ever, but it takes time for negotiations. He said it takes two things for revitalization of the downtown, people and parking. A new building would have the potential to bring people downtown. The parking situation has been a problem for years since no new surface parking has been put in for twelve to fifteen years. He said the Graham Hotel structure is sound; the pillars and foundations are of good quality. If the building is developed, the need for parking would be increased, and the cost of the land will go up. He said acquisition of the building is not poor planning, but very good land use planning. The Thrasher Building in effect has been condemned. He urged the Council to make a decision, since the appraisal is now nearly one year old.

Councilmember Towell said this projects has been contemplated for a long time, and other projects have been "frozen" until the fate of the northwest corner property has been determined. The City/County Building Authority is only one possibility; the county may go along with the authority even if they do not use the building. There are alternative funding sources through bonds. Parts of the building could be used for private development. He said with proper finances, this project and others could be undertaken. He said he would like to see negotiations take place for Monroe Tobacco. If the City continues to wait, they can only lose options.

Ordinance 77-75 was then adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 1 (Allison).

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-74 by title only.

ORDINANCE 77-74  
Amend Animal  
Control Ord.

Clerk Dolnick read Ordinance 77-74 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-74.

Councilmember Richardson read the legislative synopsis and gave the committee report with all of the amendments.

Councilmember Olcott left the meeting at this point.

Councilmember Richardson moved and Councilmember Towell seconded a motion to amend 7.04.010 (c) from "Coordinator of the Department of Public Works" to "Mayor". Motion carried unanimously.

Councilmember Richardson moved and Councilmember Towell seconded a motion to add "adequate for the purposes of this title" after "annual budget of funds" in 7.04.050, Budget. Motion carried by a unanimous vote.

Councilmember Richardon moved and Councilmember Towell seconded a motion to amend 7.04.020(d) Membership, to add "...one shall be selected by the Mayor and be a member of the Monroe County Humane Association". Then, add a letter "e" to add "One member shall be appointed by the Common Council and be a member of the People's Animal Lovers Society".

Councilmember Allison noted that the PALS amendment would make matters too complicated. She said she saw the justification for the Humane Association membership since they have a direct stake in the animal shelter, etc.

Councilpresident Middleton moved and Councilmember Towell seconded a motion to have an alternate amendment to add under (a) that one Council appointment shall be a member of PALS, and under (c) that one Mayoral appointment shall be a member of the Monroe County Humane Association (MCHA).

Councilmember Towell noted that in the past, appointments were made with great care to include a member of the Monroe County Humane Association. With the amendment, their membership would be required.

Carlos Ortigoza, President of PALS, addressed the Council. He said when the Animal Control Commission (ACC) was formed, PALS was not yet in existence. Now, they have had a great deal to do with animal control, and their applications have been ignored. He noted that they have the only spaying program in the state, and they should have representation on the ACC.

Clara Foster, President of the Monroe County Humane Association, explained that when the contract was signed with the City for the animal shelter, the contract stipulated that one of their members be appointed to the Animal Control Commission. She said there have been times when a member of the Humane Association was not on the ACC.

Sheri Sheridan of the ACC said she would rather see the Council appoint additional members than take away members. She urged the Council to add a permanent Monroe County Humane Association member, and wait until there is an opening for PALS to submit applications.

Betsy Williams explained that the MCHA has a vested interest in the shelter, and this is the reason for their appointment.

Middleton's motion carried by a vote of Ayes: 5, Nays: 0.

Councilmember Richardson moved and Councilmember Towell seconded a motion to amend 7.24.020, Animals in Heat, to add "by the owner".

Steve Richardson said he will confer with Judges Baker and Pettay to work out the forms for the tickets.

Motion carried by a unanimous vote.

Councilmember Richardson moved and Councilmember Blume seconded a motion to amend 7.01.010 (r) concerning restraint, to add a requirement that the maximum length for leashes be eight feet.

Councilmember Towell said the purpose of the amendment is to prevent people from walking their dogs on twenty foot leashes. He said he would vote no on the amendment.

Carlos Ortigoza said he has received several calls on this. He said that the "responsible pet owner" is offended by restraint requirements. They say they will break the law if they need to, but they will not leash their dogs. He urged the Council to delete the fifteen feet requirement and require only that they be accompanied by their owner and under their control.

The motion to require a maximum leash length of eight feet was defeated by a vote of Ayes: 7, Nays: 0.

Councilmember Towell suggested an amendment to the definition of restraint. He asked that the following be inserted: "accompanying the owner and under his control or on their own property". Carlos expressed his support of this amendment.

Motion was defeated by a vote of Ayes: 2, Nays: 4 (Allison, Blume, Richardson, Middleton).

Councilmember Richardson expressed dismay at Carlos Ortigoza's change of heart on the leash law. He said that last year, Carlos was the strongest advocate for the leash law, but now he is against it.

Councilmember Towell remarked that a strict leash law will only generate disrespect for the law, and cannot be enforced. He said that the Council should pass reasonable ordinances.

Councilmember Richardson moved and Councilmember Blume seconded a motion to adopt Ordinance 77-74 as amended.

Motion failed for lack of majority by a vote of Ayes: 4, Nays: 2 (Towell and Morrison). Note-Councilmember Young left during discussion of this ordinance.

Councilmember Towell moved and Councilmember Richardson seconded a motion to reconsider Ordinance 77-74 without Section 7.01. Councilmember Towell moved and Councilmember Richardson seconded a motion to delete 7.01.010(r) regarding restraint.

Motion failed for lack of majority by a vote of Ayes: 4, Nays: 2 (Allison and Blume).

On a second vote, the motion carried by a vote of Ayes: 5, Nays: 1 (Blume).

Councilmember Richardson urged Betsy Williams to bring back the leash requirements as soon as possible. He said the amendment would have a better chance with more Councilmembers present.

Councilmember Towell moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 77-21 by title only.

FIRST READINGS  
Appropriation  
Ord. 77-21  
'78 Util. Budget

Clerk Dolnick read Appropriation Ordinance 77-21 by title only. Councilpresident Middleton read the synopsis.

Councilmember Towell moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-90 by title only.

Ordinance 77-90  
Repeal 76-45 &  
Enact New City  
Employee Residency  
Requirements

Clerk Dolnick read Ordinance 77-90 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Towell moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-91 by title only.

Ordinance 77-91  
Budget Transfer  
Legal Dept.

Clerk Dolnick read Ordinance 77-91 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember Towell moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-92 by title only.

Ordinance 77-92  
Designate Old Mo.  
Co. Library as  
Historic


Clerk Dolnick read Ordinance 77-92 by title only and Councilpresident Middleton read the synopsis.

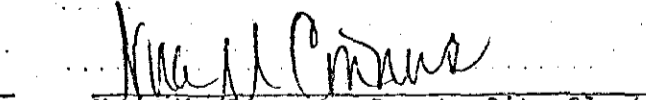
The meeting was then adjourned at 12:20 a.m.

ADJOURNMENT

APPROVE:

ATTEST:

  
Thomas O Middleton, President  
Bloomington Common Council

  
Nora M. Connors, Deputy City Clerk

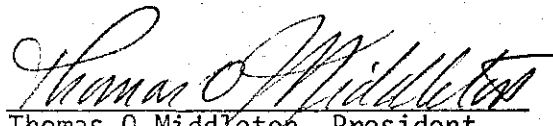
Minutes approved upon this 1 day of December, 1977.

ADDENDUM TO MINUTES  
EXECUTIVE SESSION

December 2, 1977

The Bloomington Common Council, in executive session held on December 1, 1977, unanimously adopted a motion moved by Councilmember Kinzer and seconded by Councilmember Blume, to establish the salary of Council Administrator Frances Komoroske as follows: As of November 15, 1977, her salary will be set at \$15,000. On January 1, 1978, this amount will increase to \$15,300.

Signed this second day of December, 1977.



Thomas O Middleton, President  
Bloomington Common Council