

In the Common Council Chambers of the Municipal City Building, held on March 4, 1976 at 7:30 p.m. with Councilpresident Blume presiding.

REGULAR SESSION
COMMON COUNCIL

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

ROLL CALL

City Officials Present: George Phipps, Business Manager of Utilities; Karel Dolnick, City Clerk; John Komoroske, Council Administrator/Attorney; Michael Corbett, Mayoral Aide; Dave Rafter, Planning; Tom Crossman, Head of Planning; Bill Finch, Personnel Director; Steve Richardson, City Attorney; Leo Burke, Head of Human Resources, Pat Gross, City Controller.

CITY OFFICIALS
PRESENT

Councilpresident Blume then gave the agenda summation. For First Reading, Appropriation Ordinance 76-5, Federal Revenue Sharing; Appropriation Ordinance 76-6, Community Development Block Grant; Ordinance 76-14, Animal Control Ordinance; Ordinance 76-15, to Amend Housing Code (BOCA); Ordinance 76-16, to Amend Sign Laws regarding Temporary Banners; Ordinance 76-17, Traffic Amendments regarding Two-Hour Zones. For Second Reading and Resolutions, Appropriation Ordinance 76-4, Adjustment of 1976 Utility Budget; Ordinance 76-6, Salary Ordinance for Department of Transportation; Ordinance 76-7, Traffic Amendments regarding Parallel, Angle Parking, No Parking Zones, Stop Intersections; Ordinance 76-8, Annexation of Spicewood III Addition; Ordinance 76-9, Annexation of Spicewood IV Addition; Ordinance 76-10, Annexation of Spicewood V Addition; Ordinance 76-11, Annexation of Spicewood VI Addition; Ordinance 76-12, Amend Zoning re SW Corner of Adams and W. 2nd Street; Ordinance 76-13, Amend Zoning regarding Howard Campbell Trailer Court Appeal; Resolution 76-10; Creation of Solid Waste Recycling Committee; and Ordinance 76-18, to Amend Utilities Service Board... Also the Annual Reports of the Human Rights Commission and the Human Resources Department and the minutes of January 15, 1976.

AGENDA SUMMATION

Michael Corbett then gave the Message from the Mayor. He gave the Mayor's appointments to the Human Rights Commission, Rev. Joseph Walker, a reappointment and Viola Taliaferro, a reappointment; Tobiatha Eagleson, also a reappointment. He made a new appointment to the Commission of Daniel Gad. He also appointed William Weddle and Thomas Barton to the Environmental Commission. He then added Rick Peoples to the Affirmative Action Advisory Board.

MESSAGES FROM
THE MAYOR
Appointments to Human Rights Commission, Environmental Commission & Affirmative Action Advisory Board.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to approve the Mayor's appointments to the Human Rights Commission, Environmental Commission and the Affirmative Action Advisory Board.

Councilmember Richardson suggested that the Mayor's Office advertise the openings on the various Boards and Commissions so that the public can have a chance to show their interest.

Michael Corbett answered that the Mayor's Office is willing to make public openings where the Mayor does not wish to make a reappointment.

The Mayor's appointments were then approved by a vote of Ayes: 8, Nays: 1. Nay: Councilmember Olcott.

Councilmember Kinzer then gave her message regarding scheduling of meetings, the old library, and street repairs (copy attached).

MESSAGES FROM
COUNCILMEMBERS

Councilmember Middleton reiterated Councilmember Kinzer's remarks about the old library, noting that all of the plans that have been submitted should be looked at, especially those that have a long-range effect on the community and will meet a definite need in the community. He then spoke to the Youth Service Bureau. He said they submitted their budget in January to the Mayor, who is the Project Director of YSB so that it could be forwarded to the Criminal Justice Planning Agency. He remarked that the Mayor did not do it, even though he received the proposal two weeks before the Criminal Justice Planning Agency was to meet. He added that the day before the meeting was to take place, the Mayor resigned his post as Project Director. He continued that for that reason, the Criminal Justice Planning Agency had no reason to consider the YSB, which would normally have been funded because of their policy of funding on-going programs. He said this left the YSB with no money, losing the \$13,500 from the Criminal Justice Planning Agency, and jeopardized the \$6,000 YSB should receive from the Indiana Youth Council. He continued that the Group Foster Home submitted a request to Human Resources for Federal Revenue Sharing and Community Development funding but the Human Resources Department lost the application. After it was realized that the Group Foster Home would not come up for funding, Councilmember Middleton was notified but it was too late to have it considered for funding. He said that the two organizations have been established by citizens that spend a lot of time in trying to meet the needs of the community. He continued that they have done a great service for the city yet these agencies are no longer able to function because of the attitude of the administration. He reiterated that the administration had not submitted the YSB budget to the Criminal Justice Planning Agency, that the request for funding was not held in its normal pattern, and that they subverted the actual authority and responsibility of the citizens who make up the boards. He said these efforts were directed towards forcing the agencies into the Human Resources Department, because once they are there they further negate the effect of the citizen boards. He said he believes that if things are to be done in the community, it is going to have to essentially be done by the people in the community and not the government. He said once government starts taking over a function, the citizens back out and the board loses its effectiveness and becomes another bureaucratic program. He added that there are perhaps thousands of citizens involved in various boards and commissions, and if the administration can do what it has to those two agencies and change their pattern of funding so they become agents of the city, which organization will be next, and will it be yours? He continued that the Human Resources Department should be limited to helping the various agencies develop their grants and receive their funding, but that they should stay out of the operation of the agencies, letting the citizens on the boards function as the responsible people that they are.

Councilmember Richardson noted that he also was concerned about the possible uses of the old library. He expressed a hope that it is used in such a way that it is of benefit to the entire community. He then responded to Councilmember Middleton's remarks about the Youth Service Bureau. He commented that the Mayor's Office will have the General Revenue Sharing proposals before the Council on March 5 so that it will be ready for the March 16 meeting. He said that he didn't think enough money was being appropriated, but that the amount would be in the range of \$30,000 to \$40,000. He continued that he thought the City was cognizant of the problem.

Councilmember De St. Croix then remarked about the Animal Control Ordinance that is coming up. He suggested that people with pets get them licensed, and realize the responsibility incumbent on them as pet owners to keep their pets leashed.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 76-5 by title only.

APPROPRIATION
ORDINANCE 76-5
Federal Revenue Sharing

Clerk Dolnick then read Appropriation Ordinance 76-5 by title only.

Councilpresident Blume then read the legislative synopsis for Appropriation Ordinance 76-5.

Councilmember De St. Croix moved and Councilmember Middleton seconded a motion to introduce and read Appropriation Ordinance 76-6 by title only.

APPROPRIATION
ORDINANCE 76-6
CD Block Grant Fund

Clerk Dolnick then read Appropriation Ordinance 76-6 by title only.

Councilpresident Blume then read the legislative synopsis for Appropriation Ordinance 76-5.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to read Ordinance 76-14 by title only.

ORDINANCE 76-14
Animal Control

Clerk Dolnick then read Ordinance 76-14 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-14.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to read Ordinance 76-15 by title only.

ORDINANCE 76-15
Amend Housing Code (BOCA)

Clerk Dolnick then read Ordinance 76-15 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-15.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to read Ordinance 76-16 by title only.

ORDINANCE 76-16
Amend Sign Laws re: Temporary Banners

Clerk Dolnick then read Ordinance 76-16 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-16.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to read Ordinance 76-17 by title only.

ORDINANCE 76-17
Traffic Amendment re: 2-Hour Zone

Clerk Dolnick then read Ordinance 76-17 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-17.

Councilmember De St. Croix: I move that Appropriation Ordinance 76-4 be introduced and read by the Clerk by title only.

APPROPRIATION
ORDINANCE 76-4
Adjustment of
1976 Utility
Budget

Councilmember Morrison: Second.

Appropriation Ordinance 76-4 was then read by Clerk Dolnick by title only.

Councilmember De St. Croix: I move that Appropriation Ordinance 76-4 be adopted.

Councilmember Morrison: Second.

Councilpresident Blume then read the legislative synopsis for Appropriation Ordinance 76-4.

Councilmember Kinzer: The committee report for Appropriation Ordinance 76-4 from the Utilities/Public Facilities Committee gave this a Do Pass recommendation. The Council passed the Resolution a month ago, and this appropriates the money to honor that resolution.

Councilmember Olcott: I'm looking at page four at the various items. I understand that we are going to remove the Common Council Aide at some point down the line this year. I question the \$7,000 being appropriated when perhaps we will have a Council Aide. Am I right or wrong in the assumption that John Komoroske is going to be leaving.

Councilpresident Blume: I wouldn't say hopefully, but I think John (Komoroske) would say hopefully. We are not sure yet.

Councilmember Kinzer: The position is still in existence whether he goes or not.

Councilmember De St. Croix: Hopefully, if we lose a Council staff member, then we will get a replacement.

Councilmember Olcott: Is it necessary to have a legal aide for that amount of money?

Councilmember De St. Croix: State law dictates that the staff that the Council hires must be a lawyer. The other position in the Council office is related to the Clerk's Office and also a CETA position.

Councilmember Towell: I find it surprising that a Councilmember would like to cut off their right hand as far as doing work.

Councilmember Olcott: It seems to me that we have lots of legal advice in City hall, and surely we can get by without spending another \$7,000.

Councilmember Towell: There's a difference between someone practicing law and being trained as a lawyer. I take it that the position of Council Aide is not primarily a matter of legal practice.

Councilmember Olcott: I thought Councilmember De

St. Croix said that it has to be a lawyer.

Councilmember Towell: We had a perfectly well qualified person that had a master's degree in city planning and we were all pretty well satisfied with the person. The Mayor was not, and we tried to get along and ended up firing our own staff.

Councilmember Kinzer: The state law does say now that they have to have a legal degree.

Councilmember Towell: I disagree with the interpretation but that is the interpretation that we have been going by.

Councilmember Young: I think Councilmember Olcott's question is whether we need a Council Aide. This is half of the salary by the way.

Councilmember Kinzer: I think we do need an aide. The Council's aide does a tremendous job of research that is of great value to not only those of us on the Council but to various committees in the City and to a great deal of decision making. The service that has been provided has been of great value.

Councilmember Olcott: I'm not talking about John Komoroske as a person, I'm talking about the position. I think if we clean up a little bit of our own house, maybe we will feel better come August when we look at the budgets.

Councilmember Kinzer: Mr. Olcott, may I ask you a question. Not all of us are able to hire private researchers, since our legal aide does provide the service to us I think that I would be very much unwilling to do without it.

Councilmember Olcott: Well, so far my bill to March 4 has been \$12.05. If I can afford it, I think you can afford \$12.05.

Councilmember Kinzer: I think if we were without our Council Aide our bill would go much higher than that.

Councilmember Young: I think Mr. Olcott is perhaps thinking of the legal staff of the city, the City Attorney or maybe his assistant.

Councilpresident Blume: Council does need, in my opinion, a full-time aide. We couldn't use someone who is working full-time for the Mayor. If he happens to be a lawyer, whether that is required or not, I would feel that that is a plus on our side. It is not going to cost us any more, the aide is going to cost us that much anyway to get a good one.

Councilmember Kinzer: Since the first of the year, the Council office has reduced staff and are operating efficiently but in high gear I would say, everyone is extremely busy. There has been a very definite attempt to cut down. I am still not convinced that this was a wise decision, but I think it is worth a try.

Councilmember Olcott: Somehow, I thought the City Attorney was working for the City, and not the Mayor's Office. I assume that we can call on him.

Councilmember Towell: When you get sued by your own lawyer, you might feel differently.

Councilmember Olcott: I thought you included me in

that, Mr. Towell.

Councilmember Towell: I know, I did. You didn't experience it when it began, though.

Appropriation Ordinance 76-4 was then passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to read Ordinance 76-6 by title only.

ORDINANCE 76-6
Salary Ordinance
Dept. of Transp.

Clerk Dolnick then read Ordinance 76-6 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-6.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-6.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-6.

Councilmember Kinzer then gave the committee report from Utilities/Public Facilities. The recommendation was Do Pass.

Councilmember Morrison noted that he remembered asking how you could get a heavy-equipment operator for \$4.79 an hour. He commented that the amount is now \$5.18, and asked if it was a typographical error.

Councilmember Kinzer answered that the \$4.79 represents the first half of the year and the \$5.18 represents a four percent raise.

Pat Gross answered that in the final copy of the Salary Ordinance there was no mention of the heavy-equipment operator, which makes her think it was a typographical error.

Ordinance 76-6 was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 1. Nay: Councilmember Richardson.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to read Ordinance 76-7 by title only.

ORDINANCE 76-7
Traffic Amendments

Clerk Dolnick then read Ordinance 76-7 by title only.

Councilmember De St. Croix moved and Councilmember Middleton seconded a motion to adopt Ordinance 76-7.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-7.

Councilmember Morrison then gave the committee report for Planning/Community Development. He said there was a great deal of discussion about the Dunn Street area, noting it was unique in being blocked on the northern entrance, making it like an island. The committee gave a Do Pass recommendation.

Councilmember Richardson then moved to divide the question to strike Section Three. Councilmember De St. Croix seconded the motion.

Councilmember Towell mentioned that he was at a Plan Commission meeting where Dunn Street between Third and Second Streets was being discussed. He noted that the Plan Commission voted to alter the classification of the area to make Dunn Street a thoroughfare. He added that it is difficult to maneuver on the street when you have parking on both sides of the street.

Tom Crossman explained that the Plan Commission voted to reclassify Dunn Street from a local street to a collector street. It was done to make changes in the existing conditions. He said Dunn is a collector between Third and Second Streets, noting that Dunn and Henderson serve as one-way fares for a portion of the area and Dunn and Indiana serve as one-way fares. The block between Third and Second is a continuation of the one-way fare and that the classification on Dunn should be the same as the classification on Henderson.

Councilmember De St. Croix commented that there is a lack of parking facilities in the area, partly exacerbated by Indiana University's lack of parking facilities for faculty and students and partly by a lack on planning on the city's part. He continued that that particular street is accesible only from a blind entrance way and added that the property owner for the area houses leases parking spaces to residents in the parking lots behind the houses. He said he hopes the Council will pass the amendment to strike Section Three.

Councilpresident Blume noted that all the Ordinance does is change the parking from one side of the street to the other. He said the parking was on the east side of the street and when the street is entered from a driveway, the road is not wide enough to make the turn without hitting a car on the other side of the street. He said by putting parking on the west side of the street and leaving the alleyways open, there would be adequate space.

Councilmember De St. Croix retorted that cars can make the turn. He said he thought it wouldn't be wise for the Council to remove three to four parking spaces, noting that the east side of the street is the longer of the two and would allow for more parking spaces.

Councilmember Morrison remarked that at the Traffic Commission meeting, Mr. Burnham, the landlord for the area, requested that the parking be changed because of the difficulty in getting out on the street. He reiterated Mr. Burnham's feelings, saying that it is very difficult to maneuver through the alleys onto the street.

Councilmember Kinzer suggested that Section Three be tabled until the measurements have been received.

Councilpresident Blume answered that the measurements have been received, the Council Committee has looked at it and given it a Do Pass recommendation.

Councilmember Middleton noted that even if Section Three is struck, Section One would still request parallel parking on the west side of the street.

Councilmember Towell suggested that a no-parking zone be made on the east-side of the street from Third to Second Streets. He continued that if Dunn is to be a collector street, it should be cleared of cars. He said Section One should be deleted and Section Three amended.

Councilmember Richardson said there is a great demand for parking in the area, and that Mr. Burnham had requested that it be changed. He suggested that the Council sit down and look at the whole area, noting that piecemeal decisions shouldn't be made on the Council floor.

Councilmember De St. Croix moved that Sections One and Three be deleted from Ordinance 76-7, noting that with the amendment, four parking spaces would be lost because of the curb cuts and that it would make a bad parking situation worse. He noted that Councilmember Towell's suggestion should be looked into for the future.

Councilmember Kinzer said it would be more piecemeal to delete Sections One and Three than to consider the whole ordinance.

Councilpresident Blume then noted that Marie Harlan of the Traffic Commission had spoken of the possibility of making a parking lot with entrance through the alley.

The amendment to delete Sections One and Three was adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 3. Nays: Councilmembers Young, Olcott, Blume.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to adopt Ordinance 76-7 as amended.

Councilmember Towell remarked that there was not sufficient parking space for motorcycles. He said in Section Two, the Parking Ordinance does not include a classification for motorcycles. He asked for a consensus from the Council to get a classification for motorcycles.

Councilpresident Blume noted that bicycle racks and motorcycle parking have been allotted for space at Sixth and Walnut.

The motion to adopt Ordinance 76-7 as amended failed by a ROLL CALL VOTE of Ayes: 3, Nays: 6. Nays: Councilmembers Morrison, Young, Kinzer, Middleton, Olcott, Blume.

Councilmember Towell moved and Councilmember De St. Croix seconded a motion to refer Ordinance 76-7 back to committee to work out a new ordinance.

Councilmember De St. Croix explained that the only option open in order to reconsider Ordinance 76-7 would be for one of the Councilmembers who voted in the negative to request that the chair reopen the question, and in order for it to be reopened it must be supported by a majority of the Council. If that occurs, the Council can reconsider Ordinance 76-7 as submitted, noting that it does not need to revert to the ordinance as amended. If the Council does nothing, it goes back to the Traffic Commission.

The motion to send Ordinance 76-7 back to committee was adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 2. Nays: Councilmembers Olcott, Morrison.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-8 by title only.

ORDINANCE 76-8
Annexation of
Spicewood III

Clerk Dolnick then read Ordinance 76-8 by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-8.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-8.

Councilmember Morrison gave the committee report from Planning/Community Development. The committee gave Ordinance 76-8 a Do Pass recommendation.

Ordinance 76-8 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-9 by title only.

ORDINANCE 76-9
Annexation of
Spicewood IV

Clerk Dolnick then read Ordinance 76-9 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-9.

Councilmember Morrison gave the committee report from Planning/Community Development. The committee gave Ordinance 76-8, 76-9, 76-10, and 76-11 a Do Pass recommendation.

Ordinance 76-9 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-10 by title only.

ORDINANCE 76-10
Annexation of
Spicewood V

Clerk Dolnick then read Ordinance 76-10 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-10.

Ordinance 76-10 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-11 by title only.

ORDINANCE 76-11
Annexation of
Spicewood VI

Clerk Dolnick then read Ordinance 76-11 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-11.

Ordinance 76-11 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-12 by title only.

ORDINANCE 76-12
Amend Zoning re:
SW corner of
Adams & W. 2nd

Clerk Dolncik then read Ordinance 76-12 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-12.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-12.

Councilmember Morrison then gave the committee report from Planning/Community Development. The committee gave Ordinance 76-12 a Do Pass recommendation.

Ordinance 76-12 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-13 by title only.

ORDINANCE 76-13
Amend Zoning re:
Campbell Trailer
Court Appeal

Clerk Dolnick then read Ordinance 76-13 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-13.

Councilmember Morrison then gave the committee report for Planning/Community Development. He noted that there have been some new developments with the Trailer Court and moved that Ordinance 76-13 be tabled and sent back to committee. He continued that this Ordinance bypassed the Plan Commission when it came before the Council. He said a solution has been worked out tentatively, and by the next Council meeting it should be ready for approval.

Councilmember De St. Croix moved and Councilmember Towell seconded a motion to table Ordinance 76-13 until the next Council meeting on March 16.

Councilmember Morrison suggested that the City Planner instruct the Engineering Department to give Mr. Campbell assistance on the design and structure of the bridge to span the creek in the flood plane area. He said it was time the City put some of its skilled people to work on these projects to expedite the process. He asked that the City Council send a summation to the City Planner to instruct the City Engineer to give Howard Campbell some assistance.

Richard Wilder^{2nd} pointed out that the preceding Ordinance, Ordinance 76-12 involved a mistake in the zoning maps and that the Howard Campbell case is the same. He said the seven acres of land had been zoned properly as R4 in 1968 for use as a fair park and half of the property had been used as such. The rezoning took place in 1973 and Mr. Campbell was assured that the particular piece of land was not going to be down-zoned, and that it could be used as a trailer court. He continued that one year later when he wanted to expand the other three acres he learned that it had been zoned in such a way that it could not be used for trailers as all. He said they had taken it to be a mistake and took it to the Plan Commission because the Plan staff had told them it had to be considered as if it were a rezoning all over again. Therefore, he said they were not bypassing the Plan Commission.

Councilmember Towell mentioned that the Plan Commission turned Howard Campbell down.

Richard Wilder continued that the next legal step is to go straight to the City Council, which is what they are doing.

Councilmember De St. Croix commented that in order for the Council to turn over a Plan Commission ruling, seven members of the Council would have to vote in the affirmative. He said Councilmember Morrison had mentioned that there are some compromises being worked out that should be finalized by the next Council. He suggested that the Resolution be tabled.

Councilmember Richardson answered Richard Wilder saying that David Rafter of the Plan Department had said that the rezoning in Ordinance 76-12 was not a mistake. Ordinance 76-13 was carefully planned, and that the issue shouldn't be looked at from the attitude of whether the Plan Commission was right or wrong but in the context of what the 1973 zoning changes contain, and is

it necessary to change them. He continued that it was his understanding that the petitioner was not assured that the zoning would not be changed.

Councilpresident Blume then asked Mr. Wilder if he would be adverse to tabling the Ordinance for two weeks.

Richard Wilder responded that if there is a possibility of something being worked out that would be suitable for the city and Mr. Campbell then it should be explored. He continued that houses are being built just two blocks south of Mr. Campbell's land while he can't even put trailers on the property.

Councilmember Young mentioned that it would be much easier if all of the possibilities would be thought through before the committee meetings so that legislation doesn't have to be tabled at the last minute.

Councilmember Richardson responded that he appreciated Mr. Young's concern about time, but he thought that any time Councilmembers take the time to go out and look at the area that they are voting on that they should be commended, and that the hour that was spent looking at the property was well deserved as far as making a more intelligent vote.

Councilmember Young suggested that he check the area out before the committee meeting and then bring the information they has been gathered back to the committee.

The motion to table Ordinance 76-13 was adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Resolution 76-10.

RESOLUTION 76-10
Creation of
Solid Waste Recy-
cling Committee

Clerk Dolnick then read Resolution 76-10 in entirety.

Councilpresident Blume then read the legislative synopsis for Resolution 76-10.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to adopt Resolution 76-10.

Councilmember Middleton moved that Resolution 76-10 be tabled. Councilmember Morrison seconded the motion. Councilmember Middleton explained that an adequate disposal system had been discussed with the county, and the county has expanded the facilities to last another few years. He continued that the state has established a study commission on solid waste disposal, which is to meet tomorrow to let a contract for a preliminary study which will be reported on 1 August to the State Board of Health. It will then go to the legislature in September. He said there were no funds available through the EPA at this time, and that any organization depending on state or federal funds for this purpose will most likely not receive the funds. He insisted that it is far too significant a question to be left in the hands of a committee. He said that committees have no legal power and that a commission should be established to work with the state Plan Commission on Solid Waste Disposal. He continued that Mr. Lam and Mr. Opal of the Commission have assured him that they would cooperate with the city and would seek the city's cooperation in their deliberations. He said a commission would have three

advantages that a committee would not have: 1) it can be funded without any question 2) it can have definite reporting dates with specific objectives and 3) it can have broad community support and input from professional people. He suggested that the resolution be tabled and that a new one be substituted which would have provisions for a commission.

Councilmember Morrison then gave the Planning/Community Development committee report of a unanimous Do Pass. He said that he questioned Mr. Barekis about funding during the meeting and he was told by Mr. Barekis that if the Council would recognize them as a committee, then they would be eligible for state grants, adding that the work to be done would be done on a voluntary basis. He remarked that Mr. Barekis had presented some very interesting material on the Ames, Iowa solid waste disposal plan. He said the plant had cost five and a half million dollars in a bond issue to fund the plant, and that it had been very successful for the three years that it has been in operation. He said the City of Bloomington could take advantage of the Ames, Iowa plant and perhaps avoid many of the problems that the City would have to deal with. He continued that if you wait for the state to get things done in this area, you may have to wait quite a while to get any results. He noted that sometimes City government achieves results much more quickly than state government.

Councilmember Middleton commented that the last thing he would want to do would be to depend on the state to come up with a study because all they are interested in is what type of legislation is necessary to allow for the type of experimentation and change in solid waste disposal that is needed. He repeated that the problem is far too serious to be dealt with in a committee form.

Councilmember Towell suggested that the Council start on the proposal in a small way and then if it needs to be transformed into a commission at a later date in order to apply to the state for assistance it could be done then. He added that the Council does not know what the state will do, and it may be helpful to have people gathering information on a voluntary basis in the meantime.

Councilmember Middleton answered that the information is already available, and the wide scope of the problem has already been recognized. He noted that there isn't a great deal of time available for gathering more information. He said a program should not take more than a couple of weeks to set up in a commission form.

Councilmember Kinzer reiterated Councilmember Middleton, noting that once a committee is set up under a Resolution, it is very difficult to alter it once it is established. She agreed that an Ordinance should be drawn up to provide for a commission.

Councilmember De St. Croix added that he would like to see the Ordinance come up by the first meeting in April.

Councilmember Middleton commented that the commission would have the responsibility of coming up with the program and goals and would then report back to the Council and to the County Board of Health. He said the ordinance could be developed by Mr. Komoroske and Mr. Rafter of the Plan Commission along with Mr. Bareikis of the Environmental Commission, and could include a provision for setting a time limit for coming up with the proposals.

Richard Bareikis said that the composition of the committee is not incapable of dealing with the issue, noting that a number of city and county government representatives, along with himself, the former chairman of the Solid Waste Committee which did a study on the problem last year. It would also include a member of the Plan Department, the City Engineer and Ray Schneider of the County Board of Health. He added that the two representatives from the Sierra Club and the Audobon Society would be taken from two already existing Solid Waste Committees. He continued that they are concerned with the time problem, explaining that an extension had been granted for the landfill by means of compaction and acquiring additional acreage. He said the three year figure that Councilmember Middleton gave for the length of time left for use of the landfill is based on the assumption that the population of Bloomington will not increase, and hence the assumption that the amount of solid waste will not increase. He noted that the amount of solid waste is increasing each year on a national scale. He continued that the Ames, Iowa facility had taken three years to develop and that he thought that the situation in Bloomington would be in crisis proportions in three years and if the city doesn't get started immediately, they will be right back where they started from. He said when the committee was being formed, they made a special effort to make it as broad based as possible because the solid waste problem is not just a city problem, but also for the county and the university. He said he would like to see a city/county committee get official recognition so that they can get started, noting that the state commission is meeting next week and they would like to go to the commission as official representatives of the area. He continued that he is also going to Washington, D.C. to speak with the Environmental Protection Agency and would like to go as a representative with official status so that they would listen and provide him with the information that he needs. In summary, he said the committee does have the expertise and the enthusiasm to get started right away, with no funding needed.

Councilmember Middleton answered that he has no objection to the people involved, adding that a representative from Ellettsville should also be included. He added that Mr. Bareikis' travel plans were not as important as looking at the long-range advantages of a commission.

Dave Rafter explained that the committee would consist of representatives from the City and County Councils and the Board of Commissioners. He continued that the same resolution is presented to them for consideration. He thought the committee form would provide for more opportunities for a broad-based group. He said he felt a commission would be more oriented towards serving the Common Council and designing recommendations to serve the City of Bloomington.

Councilmember Towell asked if there are state laws which authorize commissions, and would they then approximate some set of powers that the city would receive in return for having a commission?

Councilmember Middleton answered that he did not know but that he could find out as soon as possible.

Councilmember Richardson thanked Mr. Bareikis for all of the time and effort that he has spent on the project, and said he hoped that some of the statements made tonight would not put a damper on Mr. Bareikis' enthusiasm.

The motion to table Resolution 76-10 until the first meeting in April was adopted by a ROLL CALL VOTE of Ayes: 5, Nays: 4. Nays: Councilmembers Morrison, Young, Richardson, Blume.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-18 by title only.

ORDINANCE 76-18
To Amend "Utilities Service Bd."

Ordinance 76-18 was then read by Clerk Dolnick by title only.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-18.

Councilmember De St. Croix moved and Councilmember Middleton seconded a motion to adopt Ordinance 76-18.

Councilmember Towell commented that Utilities Service Board was designed to act as a buffer between Utility money and city politicians. He continued that he thought approval power should be given to the city on items that affect wider policies, and added that he believes that state law was set up so that the Council could have approval power. He added that the Utilities dispute is the bitterest issue that he has come across since he has been on the Council.

Ann Diamont from the League of Women Voters stated that the League opposes the amendment on the basis that it granted excessive approval power to the Council. She added that the new amendment has the additional sentence that the Council will specify by resolution the areas over which they will exercise approval power and a procedure by which approval will be exercised. She said they believed that a restatement of the State statute is not necessary and that areas of approval and procedures could be worked out. She added that equal cooperation from the Utilities Service Board in a less formal manner than a resolution would be desirable. She said they hoped that the amendment was not an attempt by the Council to secure the approval powers contained in the amendment which the courts struck down. She continued that they strongly support the Council's right as the elected body to have general approval powers over the appointed Utilities Service Board; however, they just as strongly oppose an extension of that power to the point that it would undermine the independence and policy making power of the Board and make it only an advisory body. She said that if the Council feels it necessary to adopt the amendment, the League urges that any resulting resolution keep in mind the ruling of the court as well as the spirit of the State statute and the intentions of the citizens, who voted in Fall of 1972 for an independent Utilities Service Board.

Councilmember De St. Croix answered that the problem has not been cleared up, noting that only a declaratory judgement that does not specify the reasonings has been handed down. He said his personal preference would be to press the issue through the courts. He added that he is willing to accept the compromise that Councilmembers have developed. He continued that he didn't think that the League of Women Voters really knew what they were doing when they created the Utilities Service Board, and that he thinks that we still don't know what we have done yet. He reflected that Ordinance 76-18 is an attempt to pull all of it together in a more effective manner.

Ordinance 76-18 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilpresident Blume then asked for the annual report from the Human Rights Commission.

REPORTS FROM CITY
BOARDS & COMMISSIONS
Human Rights Comm.

Bruce Wackowski gave the highlights of the last two reports that have been submitted to the Council for the preceding six month periods. He gave a case breakdown for the Commission, noting that there was an increase in the number of people filing with the Commission of thirteen and one half percent over 1974. There were six consent agreements executed, nine cases in which probable cause was found, three cases pending in circuit court, three public hearings, thirteen cases withdrawn during investigation, mostly from satisfied complainants. He continued that twenty-two cases were found to have no probable cause in 1975, adding that the Commission believes that it is also an objective as stated in the Ordinance, to protect people vs. unfounded charges of discrimination. Commission conducted eight compliance reviews of previous orders and consent agreements in 1975, one of which is now in circuit court. He added that the Bloomington Human Rights Commission is the first Commission in the state to enforce a consent agreement successfully in court. In December, Ordinance 75-67 went into effect to amend the Human Rights Ordinance to add the categories of marital status, sexual orientation and age to the coverage of the ordinance. It is the only local commission in the state to cover marital status or age discrimination, and added that it is only one of a handful of commissions in the country to cover sexual orientation, covering protection in employment, housing, education and public accommodations. He commented that the EEOC has adopted all of the resolutions that the Commission has come to. The Indiana Civil Rights Commission has temporarily suspended referrals to Bloomington because of a circuit court decision which is now on appeal regarding the ability of the Commission to award damages. Mr. Jones of HUD has inspected the Commission's records and case load and is recommending to HUD that the Bloomington Human Rights Commission also become a deferral agency for the federal agency for cases filed under Title 8 of the 1968 Federal Fair Housing Act. He then gave several examples of seminars and courses he had participated in as a panelist or guest. The Commission also created a standing Educational Programs Committee who were responsible for creating suggestions to further educational aspects of the Commission's work and goals. The Commission voted to intensify it's efforts to involve citizen volunteers to be staff investigators by means of personal contact with community groups. They hope to have commissioners visit some forty

groups in 1976. The Contract Compliance Ordinance was passed after a public hearing on March 13, 1975. The Council passed Resolution 75-4 and Resolution 75-23 affecting city commission relationships. Resolution 75-4, Contract Compliance, requiring all city contractors who bid on and receive contracts for goods and services in excess of \$10,000 to submit acceptable Affirmative Action Plans and to abide by those plans. The Equal Opportunity Officer, O.J. Silas, has been enforcing the resolution. Resolution 75-23 approved an Affirmative Action Plan for the City of Bloomington, forming the Affirmative Action Advisory Board.

Councilmember Young asked how much the budget for the Human Rights Commission was in 1975.

Bruce Wackowski responded that the only item in the Human Rights Commission budget was the \$12,000 for his salary. Everything else was included in the Human Resources Department budget. It consisted of approximately \$2,000, not counting the CETA investigator or the secretary, who is technically a Human Resources Department employee which is about \$6,200.

Councilmember Young asked how many cases the Human Rights Commission handled in 1975.

Bruce Wackowski answered that there were sixty-seven cases filed, with thirteen withdrawn.

Councilmember Olcott inquired as to whether there is a state commission that could handle the cases.

Councilmember Towell answered that the state is two to three years behind on its cases, and it has never been funded to the extent that it can handle all of them. The state law was written to enable communities to set up local commissions. He added that he thought it is much better if the local commission can handle its own problems.

Councilmember Middleton told Mr. Wackowski that some of his colleagues have been complaining about harrassment from the Human Rights Commission.

Bruce Wackowski answered that he was not aware of any harrassment. He said if there were complaints he would find out which of the investigators had been harrassing and try to find out what happened by getting both sides of it and take action.

There was then general discussion regarding the conciliation in the cases and the resulting settlements.

The Human Rights Commission Annual Report was then adopted by a unanimous voice vote.

Leo Burke then gave the Annual Report for the Human Resources. He gave the Councilmembers an organizational chart for the department and went through the highlights of the department in 1975. He explained the organizational structure, noting that the Women's Commission, Human Rights Commission, Equal Opportunity Office, Telecommunication Council and the Bicentennial Commission all fall under the Human Resources Department as far as monitoring their budgets. He then explained the reporting procedure for the various departments. He commented on the administration of the child

Human Resources
Department

care voucher program under a \$35,000 grant. The department is also implementing a consumer affairs group to work with InPIRG at I.U. The Human Resources Department is assisting with emergency housing by using the upstairs of the building at 7th and Rogers. He explained the quarterly Human Resources Forums, noting at the last forum, the problems of youth, the aged, the coordination of services, an information and referral system for social service agencies to make for better communication between the groups, adding that there are over 200 social agencies in Bloomington. He explained the Alternative Programs projects and the Crisis Care service.

Councilmember Middleton moved and Councilmember Kinzer moved that the Human Resources Department annual report be adopted.

Councilmember Young asked how much the budget is for the Human Resources Department.

Leo Burke answered that the budget is approximately \$20,000. The total budget for the entire department and the six other commissions is \$89,000 for 1975. He explained that funds are also received from Lily Foundation, Indiana Criminal Justice Planning Agency and the Office of Education.

Councilmember Middleton mentioned that there may be a problem with conflict of interest with the Criminal Justice Planning Agency.

Councilmember Richardson asked how many staff people are employed under Human Resources?

Leo Burke answered that under tax-based positions, there would be Leo Burke, a secretary, program coordinator and the Human Rights Commission secretary. Under CETA there is a custodian, three and a half special projects people, youth development and technical assistance specialist and the aide to the Bicentennial Commission.

Councilmember Olcott asked what would happen if CETA is not funded after June?

Leo Burke answered that that is being reviewed, but that they are sure that a request would not be made for funding for all of the positions. He added that it is probable that CETA will be extended to January, 1977. He concluded that the total number of staff is sixteen and a half.

Councilmember Richardson asked why the Human Rights Commission falls under the Human Resources Department?

Leo Burke answered that he might have done it differently, but added that there are advantages as far as administrative costs and efforts.

Councilmember Towell commented that all of the commissions and departments under the Department of Human Resources have some things in common such as secretarial assistance, and the fact that most of the boards consist of citizens. He reiterated Leo Burke's remarks about the convenience of having the departments grouped together as far as administration.

Councilmember Middleton noted that the most effective role for the department is coordination of services between the various commissions under it.

He said he had heard that the grant expertise available in Human Resources is remarkable and that it is of great importance to the social service agencies.

The Human Resources Department Annual Report was then adopted by a unanimous voice vote.

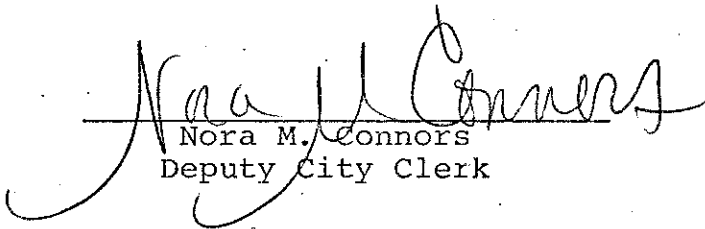
The meeting was then adjourned at 11:45 p.m.

APPROVE:



Clem J. Blume, President
Bloomington Common Council

ATTEST:



Nora M. Connors
Deputy City Clerk

I have three concerns that I would like to express at this time. One involves the scheduling of meetings. Second, the future of the old library and, third, a growing controversy over the methods and procedures for street repairs in Bloomington.

~~These three~~ These three problem areas are not, at this point, well defined. And I would like to solicit public reaction and input. I have a prepared statement here which should insure that I say what I mean ~~with~~ with as few words as possible. I ask your indulgence. I consider this important to me ^{as a council member} and to every citizen of Bloomington.

1. The Scheduling of Meetings for the purpose of Conducting City Business.

Public meetings are important -- they give citizens an opportunity to be heard and are designed for public officials, such as me, to consider all sides of an issue before any official action is taken. Some time ago, I personally ~~developed~~ developed and sponsored an ordinance requiring a synopsis to accompany all pieces of legislation, discussed publication of these summaries with various representatives of the media. As a result, the Herald-Telephone established the Council Action Column which appears in every Sunday edition of the paper. ~~When this present council took office under the leadership of Clem Blume, the committee system was refined so that public hearings on all proposed legislation could be publicized well in advance. In every Council Action column there appears a carefully worded and significant statement: "The most appropriate time for public input on ordinances is at the committee stage."~~

I agree. I think President Blume's desire to make the Committee system an important part of the legislative system is excellent and I want to see it work. Unfortunately, in the past several weeks, scheduled meetings have been cancelled or changed at the last minute and without public notice. The reasons have ranged from inconvenience to conflicts with other city meetings to conflicts with I.U. basketball games. In my opinion, none of these last-minute changes have been justified. For example, I.U. basketball games are scheduled way ahead of their taking place in fact and there is simply no justification for cancelling city meetings at the last minute on the basis of conflict with sports events.

I won't try to list all of the meeting changes at this time, but I think two are of particular significance. The February 23rd meeting of the Community Resources committee was suddenly changed late that afternoon at the request of two committee members. I understand that several citizens arrived only to discover that the meeting was nonexistent. Then when the business in question was taken up on a different night, only one committee member was present and no citizen was present.

Then last week I was personally affected. The executive meeting of the Council called for the purpose of discussing the ~~the~~ question of council authority over utilities scheduled for Thursday was suddenly changed. Note that I am chairman of the Utilities/Public Facilities Committee. Yet I was neither consulted nor notified of the change. I happened to call in to the Council office late Wednesday afternoon, was told that the Thursday meeting had been changed to that very evening. And here I was--committed to attend a telecommunications council meeting, which is also my responsibility as chairman of Utilities/Public Facilities. I decided I could attend both meetings. I went to the telecommunications

meeting, then left early to make the other meeting, only to find that it was in the process of breaking up. In the Herald-Telephone the next day, it was noted that I was absent from that most important meeting.

I won't elaborate on the frustration that I felt, but I will say that, one, I go out ~~my~~ of my way to arrange my schedule so that I can fulfill my responsibilities as a ~~member~~ member of this council and, second, that ---

if meetings are announced publicly and then changed at the last minute, that people are going to stop paying attention to notices in the paper and on radio -- and that our whole philosophy of soliciting public input into decision-making will be in jeopardy.

2. Future of the Old Library.

Two weeks ago this Council voted down a request from the Mayor for repairs and construction of the Old Library, on the basis that no firm plans had been developed for future use of that fine old building. Since then, I have received several calls asking why I am in favor of demolition. The answer is that I am not in favor of demolition. According to City Engineer Norm Perry, the old library building is basically sound. Our problem at this point is that various proposals for future use of that building have not been given due consideration. I question the city's role in plans for renovation of the old library--whether tax money should be used for what appears to be a very nebulous and temporary utilization of this property. I have requested information as to what restrictions may be in effect -- since the property was purchased with federal funds -- and what, if anything, has been done about the proposals from community groups as to its potential for an arts center. I understand that the historical society would like to take over renovation -- that other similar offers have been submitted.

I propose that ^{at} this time the city consider seriously proposals from community groups, including the historical society and Arts Council and any other public ~~groups~~ groups that might be interested in the future use of the old library.

3. The Matter of Methods and Procedures for Street Repairs in Bloomington.

There is no doubt that Bloomington streets are in need of repair and there is no doubt that the Street Department, under the leadership of Jim Wray, has in the past, and is continuing to, do an admirable job of trying to keep up with a problem that dates back to improper planning and incorrect construction of basic roadbeds that were never intended to accommodate the amount of traffic they are faced with at present.

I think we need to direct much more of our attention to this problem. The street department tries to fix chuckholes -- but is still using methods, in the interest of expediency, that are temporary. Oddly enough, the city has rigid specifications for utilities companies and construction companies for repair of street cuts -- yet, the city itself does not adhere to these specifications.

In addition, there is a persistent habit on the part of the city to resurface streets with substantial asphalt overlays without provisions for bringing shoulders up to the increased street level. As a result, we have streets with sharp, unsafe drop-offs -- and a ripe situation for expensive suits against the city. I do believe that repair and basic reconstruction of streets is a good use of federal funds and I think we should take a close look at our priorities in this area.