

In the Common Council Chambers of the Municipal City Building on March 16, 1976 at 7:30 p.m., Councilpresident Blume presiding.

REGULAR SESSION

Present: Councilmembers Blume, Richardson, Olcott, Middleton, Towell, Morrison, Young, and Kinzer

ROLL CALL

Absent: De St. Croix

City Officials Present: Karel Dolnick, City Clerk; John Komoroske, Council Administrator/Attorney; Leo Burke, Director of Human Resources Department; Bill Wilson, Director of Parks & Recreation Department; Pat Gross, City Controller; Alice Kraft, Deputy City Attorney; Tom Crossman, Director of Planning Department; and Pat Patterson, Director of Redevelopment Department.

Councilpresident Blume gave an agenda summation for the meeting as follows: beginning with Messages from the Council members, introduction of Ordinances at First Reading including Appropriation Ordinance 76-7, and Appropriation Ordinance 76-8, and Ordinance 76-20. At Second Reading we will be discussing Resolution 76-14, Resolution 76-11, Resolution 76-12, Resolution 76-14, Appropriation Ordinance 76-5, Appropriation Ordinance 76-6, Ordinance 76-13, Ordinance 76-15, Ordinance 76-17, and Ordinance 76-14. Following the break at approximately 9-9:15 p.m., there will be Petitions & Communications. There will be an Annual Report from the Utilities Department (rescheduled during the meeting). Last item on the agenda is approval of the Minutes of February 5, 1976, and March 2, 1976 (rescheduled during meeting).

AGENDA SUMMATION

Councilmember Young thanked the Councilmembers and the Council staff for rescheduling the Council meeting from Thursday to Tuesday so the Council members could watch the Indiana University basketball game. He indicated he felt it not only a fun activity, but also noted the I.U. team brought credit not only to the athletic department and the University but also to our fair City of Bloomington.

MESSAGES FROM COUNCIL MEMBERS

Councilpresident Blume said hear, hear, and added he noticed the Herald Telephone had given Ms. Kinzer an orchid for commenting on that, and I kind of thought they got their orchids and onions mixed up on that.

Councilmember Towell: I have thought so many times.

Councilmember Middleton announced the appointment of Andrea Pecchioni, and Mary Jane Hall to the Commission on the Status of Women.

Councilmember Richardson moved to appoint Ms. Pecchioni, and Ms. Hall to the Commission on the Status of Women. Councilmember Towell seconded the motion.

The motion was passed by a unanimous voice vote of the Council.

Councilmember Olcott reiterated Councilmember Young's feelings concerning I.U. basketball games and scheduling of the meeting.

Councilmember Richardson announced recommendations for the Housing Appeals Board, which has not met for one year now. The recommendations are Al Towell, Louis Chuckney, Kurt Flock, and Michael Allen, are so moved. Councilmember Morrison seconded the motion. He also mentioned there was still one position, which people could apply for if they are interested.

It was clarified that these were appointments by the Mayor's Office, subject to the approval of the Council.

The motion was passed by a voice vote of AYES: 6, Nays; 1.

Councilmember Richardson also informed the public there was a voter registration drive going on, and students could contact the Student Association Office at 337-6447. We are hoping to have a large turnout of student votes this spring, in Monroe County. He also commented on the funding proposals coming up (Appropriation Ordinance 76-8) for youth services, including Big Brother/Big Sister, Youth Service Bureau, and the Monroe County Group Foster Home. This proposal has been in the works for several months, and had been sent to them as early as August of last year. The recommendations were discussed with Dr. Middleton, John Komoroske, Pat Patterson, and Linda Alis, and Will Dunn, the latter two being from the Monroe County Group Foster Home, and myself on February 19, 1976. We were promised at that time by Mayoral Aide Mike Corbett that they would be done on March 5th. I explain this because there was some misunderstanding on some people's parts that because of a certain information released to the public on Thursday that somehow this money miraculously appeared out of nowhere on Friday. I am not opposed to pressuring different politicians or what ever for money, but I think we should it in perspective that these recommendations were well thought out. I have stressed this because the Human Resources Department did give this alot of thought, and secondly, I want the YSB people to know I want them to come here next Council meeting and get their money based on the merits, not using this as a political football where we say the Mayor has made some mistakes, or that other particular groups are not supporting this group or that group... He mentioned the upcoming Youth Services Forum sponsored by the Human Resources Department on April 10, 1976, which will be dealing with this type of programming. He noted past difficulties, but also a hope for future possibilities working closely with Dr. Middleton and the Human Resources Department, and various groups to make this whole system work in Monroe County.

Councilmember Young asked why the Housing Appeals Board had not met recently?

Councilmember Towell answered that they met when they had cases, and after that the terms expired.

Councilmember Richardson mentioned there was a problem with the various Boards & Commissions with no public notice of when the terms are up and not knowing when appointments are to be made. Some of these appointments are not just the last few months, this one is over a year, and is way past overdue.

Councilmember Morrison moved and Councilmember Middleton seconded to introduce and read Appropriation Ordinance 76-7 by title only.

Appropriation Ordinance 76-7 re: printing \$900

Appropriation Ordinance 76-7 was read by City Clerk Dolnick by title only following a unanimous voice vote of the Council.

Councilpresident Blume read the synopsis of Appropriation Ordinance 76-7.

Councilmember Morrison moved and Councilmember Middleton seconded to introduce and read Appropriation Ordinance 76-8 by title only.

Appropriation Ordinance 76-8 re: Big Brother/Big Sisters; Youth Service Bureau; Monroe County Group Foster Home

Appropriation Ordinance 76-8 was read by City Clerk Dolnick by title only following a unanimous voice vote of the Council.

Councilpresident Blume read the synopsis of Appropriation Ordinance 76-8.

Councilmember Morrison moved and Councilmember Towell seconded to introduce and read Ordinance 76-20 by title only.

Ordinance 76-20 re; Traffic Amendments

Ordinance 76-20 was read by City Clerk Dolnick by title only.

Councilpresident Blume read the synopsis of Ordinance 76-20.

Councilmember Morrison moved and Councilmember Olcott seconded to introduce and read Resolution 76-14 in entirety.

Resolution 76-14
I.U. Basketball

Resolution 76-14 was read by City Clerk Dolnick in entirety.

Councilpresident Blume read the synopsis of Resolution 76-14.

Councilmember Morrison moved and Councilmember Olcott seconded to adopt Resolution 76-14.

The motion was passed by a unanimous voice vote of the Council.

Councilmember Morrison moved and Councilmember Olcott seconded to introduce and read Resolution 76-11 in entirety.

Resolution 76-11
re: Temporary Loan
Police Pension Fund

Resolution 76-11 was read by City Clerk Dolnick in entirety.

Councilpresident Blume read the synopsis of Resolution 76-11.

Councilmember Morrison moved and Councilmember Olcott seconded to adopt Resolution 76-11.

Councilmember Middleton, spokesman for the Utilities/Public Facilities Committee: At the Committee meeting there were presentations from the City Controller, Pat Gross, and Jim Wray from Transportation. They reported to the Committee that this money was available, was not otherwise encumbered, and will not affect the services or use of this money for street projects. The Committee recommended that this be approved.

Councilmember Richardson, Chairperson of Public Safety/Policy & Legislative Oversight: Essentially for the same reasons, we recommend a Do Pass.

Resolution 76-11 was passed by a ROLL CALL VOTE of AYES: 7, NAYS: 0.

Councilmember Morrison moved and Councilmember Towell seconded to introduce and read Resolution 76-12 in entirety.

Resolution 76-12
re: Budget Transfer
Redevelopment Department

Resolution 76-12 was read by City Clerk Dolnick in its entirety.

Councilpresident Blume read the synopsis of Resolution 76-12.

Councilmember Morrison moved and Councilmember Towell seconded to adopt Resolution 76-12.

Councilmember Morrison, Chairperson Planning/Community Development Committee: The Committee gave a Do Pass recommendation, with a vote of 2 to 1, with Councilmember Young voting against the Social Security phase of it.

Councilmember Young indicated that this money should have been collected from the employees, and my thinking was it was up to the Department to collect this from the employees, not the City's responsibility.

Councilmember Morrison agreed, noting that even when you have a person on contract, this merely sets the salary, it does not exempt them from taxes. This is where the flaw came in, on the interpretation of what a contract really is... He noted it was an error on the part of the Redevelopment Department, but it has to be paid so we have no alternative but to pass it.

It was questioned as to who informed the City they were liable for the Social Security collection of these contract employees?

Pat Patterson acknowledged it was an error on the part of the Redevelopment Department, first made in 1972, but that they were not informed until January of this year that the bonding of Public Employment Retirement Fund Office indicated that we had to pay it. We have paid it

from the NDP program, and fully intend to collect the funds from the employees. They have been notified that they have to pay this obligation. Our problem now is, that we are trying to close out the NDP program, and we have to reimburse NDP because they will not allow us more time to collect this from the employees. Arrangements are being worked out to pay this money on an individual basis, but some of these employees no longer work for the City. He said those on the staff still, can choose to seek some kind of withholding approach, and we can work that out with them. It would not work as a uniform answer.

Councilmember Olcott asked if this amount was for both employee and employer?

Pat Patterson answered it was strictly for the employee.

Councilmember Olcott noted that in his business it was not their policy to withhold Social Security on a contract basis.

Pat Patterson said this was the assumption at the time, since the work was under services contractual as a line item, not Administrative costs, but now they realized the employees should have been on the City payroll, and this money should have been deducted. He said one employee had already paid back the entire amount he was responsible for, in the area of \$500, and that he was sure it was likely they would get the entire amount from the other people as well.

Resolution 76-12 was passed by a ROLL CALL VOTE of AYES: 6, NAYS: 1. Nays: Young.

Councilmember Olcott moved and Councilmember Morrison seconded to introduce and read Resolution 76-13 in entirety.

Resolution 76-13
re: Shorten Council Meetings

Resolution 76-13 was read by City Clerk Dolnick in its entirety.

Councilpresident Blume read the synopsis of Resolution 76-13.

Councilmember Olcott (Sponsor of the Resolution), noted he had sat on the other side of the fence as a member of various Boards & Commissions from 7 to 11:30 p.m. before your part of the agenda comes up, and this is ridiculous. I think this Council, operating under the Committee system, with efficient direction can surely shorten this meeting. My proposal is that no new legislation be introduced after 10:30p.m.. I am sure there will be occasions when we have to act that evening, we had one that first meeting, which would have cost the City an extra amount of money... but there is no reason the Council cannot adjourn to a later date if there is that much extra business on the floor and on the agenda. It is too hard to listen to so many words, and maybe this will get people to shorten their discussions.

Councilmember Towell remarked he had introduced a similar idea to the last Council last year, and was glad to see it come up with this one. He quoted an ex-Councilmember Wayne Fix, who said at a certain point a Council meeting no longer is a public meeting. He noted the Council can go the extra mile if necessary, but the public cannot anticipate participating when meetings run so long. He noted this Council already has two meetings that ran longer than any of the meetings of the previous Council. He said under the rules, you can carry-over a meeting, and might want to do that. He said it might be a good idea to have something worked out at 9:00p.m. to let people leave in order that they not wait until 10:30 and not get a chance to speak. This would be a grave insult. He added there was a "shakedown" process that every Council goes through, and that he was sympathetic to what they were trying to do. He said this Resolution would not deter the Council from doing anything they wanted to do, if they want to continue...it does not affect the rules of the Council, that is a different matter and has to be done a different way. It will not really affect anything the Council wants to do at a given time. He called for a harder line for the Chairperson of the meeting, noting this Resolution would actually not help.

Councilmember Middleton read a note from Councilmember Kinzer (arriving later): I would vote nay for this Resolution if I were here. My reasons are, we can vote for adjournment when necessary. A better way would be to have more detailed reports from the Committees, and if necessary a time limit on a person to speak to certain legislation. By limiting time this would make everyone plan what they had to say ahead of time. I feel this is an administrative in-house problem. He continued with his own thoughts on this, saying he favored the type of Committee reports that include details, but indicated overall support of the Resolution.

Councilmember Olcott noted at the previous meeting two Councilmembers left at 10:30p.m.; it is unfair to people, and we have brought people back here for much less than a time limitation. We are not operating effectively after that hour, and we are not doing a job for the City.

Councilpresident Blume agreed with Councilmember Kinzer in that this would not make a great deal of difference, but said it would give them a target to shoot for...reminded the Council it could cost them more money through advertising, through all the copies that have to be made, and put a little more pressure on him to schedule things better predicting time of discussions and to lean a bit heavier on the gavel.

Councilmember Young echoed these sentiments, again noting it gave them a target to aim towards. He supported the Resolution, saying if it did not work they could try something else.

The motion to adopt Resolution 76-13 was passed by a ROLL CALL VOTE of AYES: 6, NAYS: 1. Nays: Towell.

Councilmember Morrison: I move that Appropriation Ordinance 76-5 be introduced and read by the Clerk by title only.

APPROPRIATION
ORDINANCE 76-5

Councilmember Middleton: Second.

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

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

Councilmember Middleton: I move that Appropriation Ordinance 76-5 be considered under divided question so that we might consider each of the three sections separately.

Councilmember Olcott: Second.

Councilmember Middleton: The committee report on the Human Resources section of this ordinance states that Councilmember Olcott recommended a Do Not Pass on the Middleway House VD Clinic, noting that there are duplications of services and that non-city residents are served by the Clinic. I recommended a Do Pass on the Clinic. VD is a problem that has tremendous implications for Bloomington. Right now, this is the only VD control program that is operating, however unefficiently or efficiently it might be. It is only reaching about one fifth to one sixth of the people that are actually involved. It is certainly something that we need. There is a definite need for a free facility. It should be noted that the Public Health Nursing Services will provide free medication to individuals who have been diagnosed by a physician. The Student Health Service can also utilize the same type of facilities but their cost is such that some individuals do not feel that they can spend their money in that fashion. My recommendation was simply based on the fact that we are faced with a problem and this is the only way I can see to solve it at this time.

Councilpresident Blume: I went over and visited this place and talked to some of the people there. It is a little bit of a different service than other services that are available. As indicated by its name, Middleway, it reaches those people that really wouldn't be reached otherwise. They are a little reluctant to go to a public health service because of embarrassment, ignorance or whatever. This group has been quite successful in reaching out and helping those people who won't help themselves.

Councilmember Middleton: One, Middleway didn't start out this way, I helped set it up a few years ago as an interface between the drug culture and the community and between the community services and other things that are available. The pattern of problems change, Middleway fortunately changed with it. It has a very good board, Dr. John Miller heads it up. They have good consultation now from quite reputable physicians, Dr. Greenly from University Student Health Services. I think we can provide additional help from the community if we do have the recognition of this

particular facility as a very valid part of the community. Middleway has come a long way from the days when it was in a little house up on Cottage Grove. It still has a long way to go and still serves about the same type of clientele. Their needs have changed, and we have to change with them.

Councilpresident Blume: I would also like to point out that most of this money, \$4,478, is to go to the salaries of a doctor and a nurse.

Councilmember Middleton: Also twenty percent of the Director's and the Assistant Director's salary comes out of that kind of budget. Most of it does go to venereal disease control.

Leo Burke: The nurse's salary is in-kind.

Councilmember Richardson: I don't know if the public knows, but we often times get a number of support letters attached to our ordinances. In this case, we received several of them. I think the best letter that describes why we not only should but need to support this was from Dr. John Miller, who is the director of the Student Health Center. It is only three paragraphs long so I would like to read it so that you can appreciate the kinds of data that we have received to help us make our decisions on this matter. (He then read a copy of the letter, which is attached to the ordinance).

Leo Burke: The Human Resources Department evaluated the Middleway proposal. I would like to echo Dr. Middleton's statement that we do indeed as a community recognize that we do have a problem with venereal disease. The statistics that one can compile can be called into question but in any event, VD is increasing at a tremendous rate. This organization has proved effective to a certain clientele that does need the help.

Appropriation Ordinance 76-5, Human Resources Section, was then adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 1. Nay: Councilmember Olcott. Absent: Councilmembers Kinzer and De St. Croix.

Councilmember Richardson: I would like to thank Jeff Blumegarden, who is the current Director of Middleway House, for helping many of us through this proposal by showing us through that house and explaining the program so thoroughly.

Councilmember Middleton: I move that the Parks and Recreation section be adopted.

Councilmember Olcott: Second.

Councilmember Middleton: That is also in the Community Resources committee, and I'll let Lloyd Olcott give the committee report.

Councilmember Olcott: This calls for an appropriation to update the Master Plan for Parks and Recreation within the City mainly because of federal and state funding which must be passed on. We have completed five or six years on the first plan and we are ready to move into the second phase

and a second Master Plan to be eligible for land and water development funds. We do need an updated, current Master Plan. This will allow the contracts to be made by the person who is now representing a new firm, but the same man who did it, Tony Bauer, will continue on the second master plan. I think it is money well spent because we will get our funds back in matching dollars in the next five years. We recommended a unanimous Do Pass.

Councilmember Towell: I support this proposal and have read it carefully. I hope the public input sections are adhered to somewhat because they are very extensive, and if they are adhered to totally, I'm not sure that we will ever get the job done. I would like to point out that since the last Master Plan, there has been considerable discussion in the community about various proposals and you might say that a new direction has been given. Discussion should not be ignored at this time when we are updating the Master Plan. One particular phase of it, which has been given a good endorsement in the community, is the community park system, the idea of having a park to go to within a five minute walk from wherever you live in the City. I would like to see that continued and updated. Another point was that community centers may be needed in areas that did not come up under the previous plan. I know we have discussed that but I want to bring it up at the right point so that it is remembered.

Bill Wilson: I realize the endorsement and I appreciate it. There are two things that I would like to answer. One, yes, definitely the neighborhood meetings will be adhered to as much as possible and will be very extensive. We feel that this is probably the top priority of the entire plan and we will push this to the ultimate to make sure that it does get done. The other point is that I might read just a paragraph of Mr. Bower's cover letter, which you do not have a copy of. It says "although we have not specifically identified the community center as an item of consideration, I can assure you that it will be an integral part and of first priority consideration of our review of the total park and recreation program and facility needs. We will focus in on the community centers early in the study."

Appropriation Ordinance 76-5, Parks and Recreation Section was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0. Absent: Councilmembers Kinzer and De St. Croix.

Councilmember Morrison: I move that the Board of Works Section of Appropriation Ordinance 76-5 be adopted.

Councilmember Middleton: Second.

Councilmember Morrison: The committee report from Planning/Community Development gave this a Do Pass. This is for a drainage system off of Monroe Street going between two buildings in the 1400 block where the fill, when they built Crestmont, about a thirty to forty foot fill with sidewalks behind the building and consequently with the mudslide, the ground has shifted because of the drainage problem. It has undermined the walks and the buildings. It received a Do Pass with the specifications

of the gauge requirements on the plastic pipes on the proposed road. We also wanted clarification on maps as to which pipeline is solid and which is perforated. Councilman Young brought up the point of the size and gauge of the plastic pipe used. He asked about the size, which we thought was four inches, and also about the gauge. We were to ask Norman Perry to ask the specifications on the drainage.

Councilmember Towell: I have a question about our relation to the Housing Authority as far as financing this. I understand that the Housing Authority is one of the few solvent ones in Indiana and perhaps in the nation. They have powers to issue bonds and they have in the past for \$30,000 that I know of for upkeep and improvements. I am wondering why bonds are not being issued this time and then defray the expenses out of rent or other income. Why is the City asked to foot the bill this time?

Councilmember Morrison: During the primary, the Mayor stated that he would furnish the money for the drainage system and HUD is to furnish the money for the retaining wall. The initiation on this part was by Mayor McCloskey.

Councilmember Towell: I don't want to correct you....

Councilmember Morrison: You don't have to, because I was there.

Councilmember Middleton: Is HUD holding up on the part about the retaining wall?

Councilmember Morrison: Yes, they will furnish the money for the retaining wall. We could have probably gotten the money through HUD for the Housing Authority. It is probably one of the best, well-kept solvent housing authorities in the entire United States, as Councilman Towell has said. We received a letter from HUD commending our record of his expertise in the keeping of the Housing Authority. In 1964 the City gave it about five years before it would look like the former Pidgeon Hill. The west-side people have proved them to be wrong. They are good housekeepers. I feel that when the promise was made to furnish the money for the drainage system, which is good business because those two apartment houses are worth much more than \$1,300 and the sidewalks behind them. It is a very nominal fee for the City to install the drainage system. I think it is probably the only time in the nine years that I have been on the City Council that the Housing Authority has asked the City to appropriate a dime for the hill up there.

Councilmember Towell: That is why I find it curious.

Councilpresident Blume: As I understand it, if we don't do this, we might lose those two houses.

Councilmember Morrison: This is true. They are settling at a fast rate as far as apartment houses are concerned. The evidence is very noticeable if you would take the time to walk behind the two buildings and see the inch or two cracks in the stone veneer. To me, I still say that it is a nominal price to pay for \$50,000 worth of property.

Councilmember Olcott: I've been back there a

couple times. Hasn't that been temporarily repaired a couple times?

Councilmember Morrison: That is true. If you will notice, the trees that used to be on the first level are now on the second level.

Councilmember Middleton: Who is going to repair the cracks in the building? Is the foundation settling any now?

Councilmember Morrison: The cause of the settling is the water around the foundation and the mudslides. The Housing Authority will repair the cracks. Once we get the drainage in there, we can get the money from HUD to build the retaining wall.

Pat Patterson: In answer to Al Towell's question; because of the nominal amount, I don't think it would be practical to raise funds through bonds for a \$1,300 bill.

Councilmember Towell: I knew about the other bond and thought it could be done since we were solvent.

Appropriation Ordinance 76-5, Board of Public Works Section was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0. Absent: Councilmembers De St. Croix and Kinzer.

Councilmember Morrison: I move that Appropriation Ordinance 76-5 be adopted as amended.

Councilmember Middleton: Second.

Appropriation Ordinance 76-5 was then adopted as amended by a ROLL CALL VOTE of Ayes: 7, Nays: 0. Absent: Councilmembers De St. Croix and Kinzer.

Councilmember Morrison: I move that Appropriation Ordinance 76-6 be introduced and read by the Clerk by title only.

APPROPRIATION
ORDINANCE 76-6

Councilmember Towell: Second.

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

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

Councilmember Morrison: I move that Appropriation Ordinance 76-6 be adopted.

Councilmember Middleton: Second.

Councilmember Morrison: The committee report for Planning/Community Development gave this a Do Pass. It is money to phase out the NDP program and to pay interest on it and the parking lot at Sixth and Morton Streets.

Appropriation Ordinance 76-6 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0. Absent: Councilmembers De St. Croix and Kinzer.

Councilmember Morrison moved and Councilmember Middleton seconded to introduce and read Ordinance 76-13 by title only.

Ordinance 76-13
re: Howard Campbell
Trailer Court rezoning

Ordinance 76-13 was read by City Clerk Dolnick by title only, following a unanimous voice vote of the Council.

Councilpresident Blume read the syn-opsis for Ordinance 76-13.

Councilmember Morrison moved and Councilmember Middleton seconded to adopt Ordinance 76-13.

Councilmember Morrison offered an amendment, to renumber Section 2 to Section 3, and the new Section 2 would read, " That a 15 foot buffer zone be established along the west bank of the creek, extending west." Councilmember Middleton seconded the motion.

The amendment was passed by a ROLL CALL VOTE of AYES: 7, NAYS: 0.

Councilmember Towell pointed out, as acting Parliamentarian, that in order to override the Plan Commission decision, it would require a favorable vote of 7 Councilmembers, and there are exactly 7 members here tonight. He suggested if there are uncertainties it might be politer to table it, until later. He continued with his personal observations, questioning the rationale of having any building on a floodplain.

Councilmember Middleton asked for a definition of a floodplain, referring specifically to this area noted most of the land in question was above any perceivable floodplain.

Councilmember Towell mentioned the 100 year floodplain designation changes as there is development due to the runoff from roofs and so forth.

Tom Crossman explained the 100 year flood on the zoning ordinance was specified by the Department of Natural Resources, by ten foot intervals. There is considerable interpretation there. The ordinance does specify that the drainage way on 50 feet either way from the center line of the stream be preserved as a stream flow area, which is basically the SC zone. This guarantees nothing will be built in that area. It also includes a provision for SC hyphenated another designation to provide for other uses, which would have to be approved through the Department of Natural Resources. This would involve determining the elevation of the flood plain in that area, and make sure any building would be two feet above the maximum flood elevation. It does not restrict building in the area completely, but it does seek to insure that any building be above the maximum level of flooding.

Councilmember Middleton mentioned that there was construction 150 down from Mr. Campbell's property that is literally in the creek bed, and this would have an effect on his property.

Tom Crossman explained that the subdivision further down was platted and the streets were on the map as long ago as 1969. The approval was prior to that at some time. The plat of the subdivision would not be approved under today's regulations. Regarding the house obviously under construction, he said he did not know when or how the permits were issued in what was obviously a flood plain area. He said there were problems up and down stream. He said they were trying to do their best to preserve the flood plain areas within the City of Bloomington.

Councilmember Olcott asked for an informal vote or consensus of opinion, noting there was no point in further discussion, if they were again going to table this action, to allow input from the two missing Councilmembers and be fair to the petitioner.

Councilmember Towell indicated he had not made up his mind at this point.

Councilpresident Blume said he had been on the Plan Commission when this came up, and voted for it, although it did fail. He said his opinion had not changed.

Tom Crossman told the Council his office did not issue any permits for building of the house downstream that was in question, and that this must be checked with the Engineering Department.

Councilmember Richardson called for more focus on the merits of this proposal, rather than dwelling on other problems nearby.

Councilmember Young asked if Mr. Campbell had complied with the Plan Department requirements prior to this application.

Tom Crossman said he thought there were 4 to 6 pads for trailers installed which did not have permits.

Councilmember Morrison said he was almost positive that those pads were in there prior to the new City zoning ordinance. He said he believed those trailers were pre-existing to 1973.

At this point Mr. Campbell took a series of maps up to the Councilmembers to look over and discuss.

Councilmember Young asked if this was passed, would the rest of the trailer court be asked to come up to present standards?

Tom Crossman answered they were not in a position to make decisions retroactive, to previous actions, however things such as roads and access points could very well be required to be brought up to standard.

We do have density requirements and area requirements in the current regulations; I don't think we could make that applicable.

Councilmember Richardson recommended that the Council adjourn for the recess and have a chance to look over the maps in the break.

The Council meeting resumed at 9:15 p.m., and as scheduled Councilpresident Blume called for any Petitions and Communications at this point.

PETITIONS & COMMUNICATION

Mary Valentein asked for those people who were smoking to please stop because she has a respiratory problem, and the ventilation in the room was very poor, and the air conditioning was not on, and the room gets very smokey quickly.

Elizabeth Dougherty, representative from the Coalition to End Campus Complicity with the CIA: She read a petition to the Council (included at the end of the minutes) which she asked the Council to endorse as a group or as individuals. She emphasized the endorsement was for a "teach-in" to discuss as many sides of the issue as possible. She said she was not asking for an endorsement of the Coalition or of their work, but just the teach-in itself as an educational tool. She also invited presentations from the Council at the teach-in, as well as anyone else present.

Councilpresident Blume asked Ms. Dougherty just what she wanted the Council to do, and why?

Ms. Dougherty said she wanted an endorsement by the Council so that the teach-in would receive recognition as a valid tool by those who might react to it as something else. She said they were approaching a number of people for endorsements of the teach-in.

Councilmember Olcott recommended this matter be referred to a Committee for consideration, because he felt no one on the Council felt ready to make an evaluation of this right now. Councilmember Middleton seconded the motion.

Councilmember Richardson said he didn't think it should go that far, since the teach-in was on April 1st, and so was the next Council meeting. It would not do you any good to get an endorsement that day. He said he had no problem with endorsing this kind of a forum, but had questions as to who was conducting it, who was speaking at it etc... He suggested she contact them individually when they could provide some more information.

Ms. Dougherty said she would accept this idea, and further invited anyone who had something to share about the CIA to attend.

Councilmember Middleton introduced a petition regarding taxicab license renewal, subject to Council approval. This was from George Mc Neeley

of the Yellow Cab taxicab company, which operates in the community. He said the petitioner has complied with the ordinance, and brought the proper references which were studied in the Committee, and had submitted an application with a list of the cabs and licensing, and identification, insurance liability, further a communication from the Chief of Police that he has had the necessary inspection, and they are all in proper order. The Committee recommended that the license be renewed. The Council is in receipt of a letter sent to the Chamber of Commerce, and is aware of several comments about the cab company's prices, not that we are in any position to dictate prices. There was some question as to how clear this policy of pricing was...I think this has been made a part of the report. We have discussed this with Mr. Mc Neeley, and he has agreed he could clarify the pricing procedures a little bit better. Regarding service from the airport, it was clarified that this was done as a service to the community, and is an unprofitable procedure, and admittedly is costly to the rider. Mr. Mc Neeley is aware of the problem. Councilmember Towell seconded the motion to accept renewal of the license.

The motion to renew the taxicab license was passed by a unanimous voice vote of the Council.

It was announced that the vacancy on the Women's Commission would be announced at the next Council meeting on April 1st, and that the Council Office was accepting applications.

This completed business under Petitions & Communications, and the Council returned to the discussion of Ordinance 76-13, regarding rezoning of Howard Campbell's trailer court.

Councilmember Morrison clarified that the maps submitted to Engineering before the new zoning ordinance did include those plats of the new trailers in question.

Councilmember Richardson again called for a closer focus on the merits of this case, and said he felt this type of thing would be taken care of as they go through the various steps of approval for the development.

Councilmember Towell said he was still looking for some kind of redeeming virtues in this proposal, saying he did not think it was a very good proposal. He said he would like to see the standards brought more into line with what are the ideals of the present zoning standards. At this same time he did not want to penalize someone for the machinations of government. He asked what the procedure would be if this were passed.

Tom Crossman said all they would do if affirm that the zoning is adequate, so that a mobile home park could submit an application for Plan

Commission approval. This is within the framework of the Planned Unit Development, and this would involve another go-around both from the Plan Commission's viewpoint and the Council. He acknowledged that Trish Higgins had submitted to the Council a copy of those pages which list the space requirements etc. that go along with these standards. Mr. Campbell would have to meet those standards on this new development. In addition to that, before we could start the thing it would be required that the thing between the Department of Natural Resources and the trailer court and development be resolved. The action tonight simply gives him the green light to begin this sort of processes.

Richard Wilder, Attn. reiterated the effect the Council action would have ... He said this was zoned properly in 1968 when he had it zoned as a mobile home court. He said they had in the past licenses from the State Board of Health to operate a mobile home court there, the first one being issued in 1969, and renewed each year thereafter. He said getting the zoning restored to what it was in 1968 was only the first step. He said he had been in contact with Micheal Schaeffer, who is the Deputy Attorney General in charge of legal matters for the DNR, and also was in contact with the appropriate official with the State Board of Health. They have affirmed the proper step is to get the correct zoning first. This is all we are trying to do.

Councilmember Towell then indicated he would vote against this.

Mr. Wilder, Attn. said all they wanted all along was not to be treated arbitrarily or capriciously, since another trailer court up the way is in existence, and covers the same general area...and two blocks up there is a housing division with the same sort of topography. I fail to see how we differ, or why we should be treated differently.

Councilmember Towell asked what they were supposed to do the next time someone came to them with another request like this? Where does it all stop?

Mr. Wilder, Attn. said it all should have been stopped in 1968 when the original zoning was granted.

Councilmember Richardson expressed misgivings about the processes that have been followed in this matter, and also am upset about the kind of mentality that we hear it happening next door, and across the street, and therefore it should happen here. It is a classic case of someone who had some property and planned to build a trailer court, and is not a fat-cat. He

just did not have the money when he zoned that properly in 1968, he had plans to expand and simply could not afford to do that, and was unable to do that. I think what Mr. Wilder's point is, if he would have had the money at that time, this would not even be before the Council. I think that is the distinguishing point. In the next case if this comes up, for the same reasons I would vote against it. This case is really an exception, and should be considered as such.

Councilmember Middleton moved to table the Ordinance, but withdrew the motion as it was indicated that Councilmember Towell was now going to vote for it.

Bill Weddle, of the Environmental Commission, stated that the Commission had passed a Resolution the night before upholding the decision of the Plan Commission, and in effect speaking against the Ordinance 76-13 passage. (Copy of Resolution attached) Adding a personal note he said he had lived in trailer court down the road, and could attest to the flood problems that do exist.

Councilmember Richardson said he resented being put in the positions of being anti-Plan Commission if voting a certain way, just as was the case of Sare Road being an anti-growth versus growth issue. He said his vote in no way reflected his opinion of the Plan Commission or the Plan Department. He said he thought they had done a good job, and had looked at this very closely. He said what the Plan Commission had before when they looked at this was a different proposal, and if they looked at it again there may be a different vote.

Mr. Weddle said he thought they did not mean to imply the Council would be anti-Plan Commission.

Councilmember Richardson quoted from the Resolution, "in order to maintain the integrity of the Plan Commission".

Councilmembers Morrison and Middleton concurred, and voiced the opinion that they felt this Resolution was putting them in a spot.

Mr. Weddle acknowledged this Resolution was done before the new amendment was offered at the Council meeting, however he said they still felt very strongly about floodplain development. He said he was glad this was not intended to be set as a precedent, but that he was sure other people would try to get them to do just that.

Councilpresident Blume said he thought that this man had been shafted, and that was why he had voted for this in the Plan Commission, and we ought to do something to fix it.

Councilmember Richardson noted that one of the staff members of the Environmental Commission had said the Commission was going to become much more active in this type of process, and suggested they attend things from the Committee

meeting level on, when these questions are coming up. If they don't call up the Department of Natural Resources, then you call them. In this way you could provide a real service.

Ordinance 76-13 was passed by a ROLL CALL VOTE of AYES: 8, NAYS: 0, as amended.

Comments were made during the voting as follows:

Councilmember Towell: Yes, but I will never vote for anything like this again.

Councilmember Young: Yes, I think it is a very poorly designed and poorly built trailer park and I think if I had my choice of living in that one or the one up the street, I would live up the street. I only hope by rezoning it, that you would bring it up to standards, and make it more desirable for people to live in it.

Councilmember Richardson: I would like to preface my vote by saying this is no reflection on the Plan Commission or the Plan Department. I think they have bent over backwards, especially Mr. Crossman in helping us revise this proposal. I would also like to say, echoing Al (Towell) that this is the last time I will vote for this type of exception also. My hopes are too that this whole development will be improved, and that the existing trailers and pads are in compliance with the law.

Councilmember Middleton moved and Councilmember Morrison seconded to introduce Ordinance 76-15 by title only.

Ordinance 76-15
re: BOCA amendments

Ordinance 76-15 was read by City Clerk Dolnick by title only, following a unanimous voice vote of the Council.

Councilpresident Blume read the synopsis of Ordinance 76-15.

Councilmember Morrison moved and Councilmember Middleton seconded to adopt Ordinance 76-15.

There was a brief procedural discussion on how to delete a provision of the Ordinance, but before it was totally resolved the Committee report was called for by Councilpresident Blume.

Councilmember Morrison, chairperson of the Planning/Community Development Committee, said the Committee had given a Do Pass recommendation of Ayes 4, Nays 1, with extra members attending (Towell, and Richardson). He asked Councilmember Richardson to read his comments.

Councilmember Richardson read his comments, that he would like to delete the provision for the exclusion of screen doors for units that are centrally air-conditioned, since he felt that by not requiring screen doors we are depleting our natural resources. He said what it was saying was close your door and keep your air-conditioning blasted. He felt the screen door provision should stay in for this reason. Councilmember Middleton seconded the motion.

Councilmember Young pointed out there is a requirement for screens on windows on any building, plus a requirement of a certain number of inches per square feet, which allows adequate ventilation. Personally, as an apartment owner I see no reason to put screen doors on apartments, particularly ones that are air conditioned centrally. There are bugs in every town...

Councilmember Kinzer supported Councilmember Richardson's point about screen doors, foreseeing a problem if the air conditioning goes out. I think if the doors are open this gives you the greatest ventilation in an apartment building.

Councilmember Richardson stated he wished to encourage people not to use air conditioning when it is not necessary.

Councilmember Young said he did not understand why apartments were required to have screen doors, when houses were not, noting he did not have screen doors on his home. He said they were discriminated against all the way down the line, for example on the mortgage, you are required to pay more interest on the mortgage. Concerning City services, it was pointed out that apartment owners are required to hire their own scavenger services. He said he did not understand the reasoning.

Councilmember Morrison said he did not either, because he sold air conditioners...

Councilmember Richardson said the whole BOCA code is directed towards rental units, not towards privately owned units.

It was clarified that the BOCA code applies to all living units, but inspections are applicable only to rental units, so the code is only enforceable in this area.

Councilpresident Blume declared this Ordinance was prepared at the request of the Engineering Department, in order to make the code more enforceable, because they felt these two provisions were not necessary.

The motion to delete the provision for the exclusion of screen doors on centrally air conditioned units was defeated by a ROLL CALL VOTE of AYES: 1, NAYS: 8. Nays: Morrison, Towell, Young, Middleton, Kinzer, Olcott, and Blume.

Ordinance 76-15 was passed by a ROLL CALL VOTE of AYES: 8, NAYS: 0.

Councilmember Morrison moved and Councilmember Middleton seconded to introduce Ordinance 76-17 by title only.

Ordinance 76-17 was read by City Clerk Dolnick by title only, following a unanimous voice vote of the Council.

Councilpresident Blume read the synopsis of Ordinance 76-17.

Ordinance 76-17
re: Two hour zones
Traffic Amendments

Councilmember Morrison moved and Councilmember Middleton seconded to adopt Ordinance 76-17.

Councilmember Morrison, Chairperson of the Planning/Community Development Committee, gave the Committee report of a Do Pass. He said the recommendation was given because it was determined between College and Rogers Street on the North side there are several businesses on that street and people are parking their automobiles there all day while using car pools to go to Indianapolis to work. This consequently ties up the parking there all day long. This is the reason why it was brought before the Council.

Ordinance 76-17 was passed by a ROLL CALL VOTE of AYES: 8, NAYS: 0.

Councilmember Morrison moved and Councilmember Middleton seconded to introduce Ordinance 76-14 by title only.

Ordinance 76-14
re: Animal Control

Ordinance 76-14 was read by City Clerk Dolnick by title only, following a unanimous voice vote of the Council.

Councilpresident Blume read the synopsis of Ordinance 76-14.

Councilmember Morrison moved and Councilmember Towell seconded to adopt Ordinance 76-14.

Councilmember Richardson, Chairperson of the Public Safety/Policy & Legislative Oversight Committee, began by thanking the Council Aide, John Komoroske for his work on the Ordinance, and asked him to speak to it if the need arises. He asked the Council if they had copies of the minutes of the meeting, and of the proposed amendments after a three hour meeting. He said he felt they had addressed most of the problems.

Councilmember Morrison moved and Councilmember Towell seconded to amend Section 7.08.030 as requested by the Mayor's Office, to change the third sentence to read, "these powers shall specifically include, but not be limited to the power to enter a private real property in fresh pursuit of an animal to enforce this title".

John Fitzner, resident, asked for clarification of the "fresh pursuit" clause, asking if this meant the Humane Officer could enter a private residence.

Councilmember Morrison said this would allow the Humane Officer to enter the property to pursue an animal believed to have bitten a child, or perhaps thought to have rabies or something of this nature, but would not include the right to enter a private residence.

John Komoroske said that would require a search warrant or permission of the owner.

Councilmember Morrison said that dogs were private property that are licensed, and are taxed, and it takes a strict law to enter private property or any enclosed building without the consent of the owner. He said he would not sit and vote for a policetype Ordinance to be forced on the citizens of Bloomington.

Clarification in legal terms was asked for, and John Komoroske responded to this, saying the doctrine of fresh pursuit as defined in the cases refers to a police officer crossing the jurisdictional lines in immediate pursuit of a felon. This is a little bit different, this is not a felon but a dog. It is not defined anywhere specifically; I spent several hours in the library on this. He indicated fresh pursuit is more appropriate than hot pursuit, hot pursuit carries the conotation of a police car screaming after a speeder or something.

The amendment to Section 7.08.030 (in fresh pursuit of an animal to enforce this title) was passed by a ROLL CALL VOTE of AYES: 8, NAYS: 0.

Councilmember Olcott^{moved} and Councilmember Morrison seconded to adopt the amendments suggested by the PS/PLO Committee in their entirety.

Councilmember Middleton moved and Councilmember/Towell seconded to consider amendments number 3 and 10 separately from the other amendments.

Councilmember Richardson recommended that the Council could reword the original motion to vote for approval of all those sections with unanimous approval in the Committee, which would be Sections 1,2,4,5,6,7,8 and 9, with permission of the mover and seconder.

Councilmember Olcott and Councilmember Morrison agreed to this.

The motion to adopt amendments 1,2,4,5,6, 7,8, and 9 was passed by a ROLL CALL VOTE of AYES: 8, NAYS: 0. (These amendments, and the rationale are included at the end of the minutes.)

Councilmember Middleton moved and Councilmember Towell seconded to delete the phrase "with the advice and consent of the Animal Control Commission" and submit thereto the "Common Council".

Councilmember Towell said his reasoning for opposing this amendment was that the idea at the beginning of the last administration was to try to bring the Humane Society and other interested people in to work on these things in the City. Things were at an impasse at the time the new administration came in. We respected the expertise of these persons and gave them responsibilities in exchange for concessions the City wanted. I would be willing to continue that situation and would be opposed to putting it in the hands of the City Council.

Councilmember Morrison concurred with Councilmember Towell on this point.

The motion to delete (Amendment #3) the phrase "with the advice and consent of the Animal Control Commission" and submit "Common Council" was defeated by a ROLL CALL VOTE of AYES: 2, NAYS: 6. Nays: Morrison, Towell, Young, Kinzer, Richardson, and Blume.

Councilmember Kinzer moved and Councilmember Morrison seconded to adopt amendment #10, Section 7.36.010 Physically Altering Animals, to be deleted.

John Komoroske clarified that this section was already by State law under prohibition to cruelty to animals, and consequently since it is covered by the state the City is proscribed from legislating on it. If there is no cruelty, there is no strong City interest in getting into the physically altering animals field. He added it is difficult to draw a legal definition of what "surgical" means. He noted he had looked this up in the books and spent an evening on that, and he said surgery is not defined anywhere, with any specificity. It does not say you have to enter the animal with a knife. Under a broader definition you may be able to catch things like trimming nails and cutting hair. It is a difficult, slippery term to define. Summarizing he said there were two reasons why they should not include this, one the state law says that we can't do it, and two, it is an extremely difficult thing to define surgical, as we read it here, and think of it is not the same in terms of the law. I don't know how to define it in terms of how we think of it.

Carlos Ortigoza, asked for this section to remain part of the proposed code, regardless of whether it is covered by the state laws of Indiana. He said his reasoning was, that if it was in the book, then we could prevent many sad occurrences among youngsters in their biology classes which are really cruel. He asked for it to remain as it is.

It was briefly discussed that activities such as trimming nails and cutting hair could have a case made as interpreted to be surgery. A request was made for a copy of the state law.

Councilmember Towell moved and Councilmember Olcott seconded to table action on this amendment until a copy of the state law could be produced.

Councilmember Olcott moved and Councilmember Middleton moved to adopt amendment #11, Section 7.36.040 Motor Vehicle Accidents Involving Animals, to delete this section.

Councilmember Towell spoke against deleting this section, mentioning his own dog had been hit by a car, and that he felt this was a worthwhile standard to try to achieve, and it gives the animal owner some recourse.

Councilmember Olcott noted that no one was against this type of section, but that they had been informed that it was unenforceable, and also take an undue amount of time of police officials and others.

He continued, that he had no problem in supporting the concept, with the understanding that it is a panacea, and I don't think we will ever see it.

The motion to delete Section 7.36.040 (amendment #11) was defeated by a ROLL CALL VOTE of AYES: 0, NAYS: 8. Nays: Morrison, Towell, Young, Kinzer, Middleton, Olcott, Richardson, and Blume.

At this point, the Council resumed discussion of amendment #10, regarding physically altering animals.

Councilmember Kinzer commented, that in reading the state law, she was not sure that this covers what is in the City Ordinance. She said she thought they could take care of the problem of defining surgery so as not to include such activities as clipping nails etc.

Councilmember Middleton noted the difference between cruelty and surgical intervention. It was clarified that the way it is written now it would prohibit the people in the labs over at I.U. from this.

Councilmember Kinzer pointed out the Ordinance as written, rules out surgery other than by a veterinarian. She said she thought this section was written to exclude the use of animals in things such as lab experiments.

Councilmember Richardson said this section as interpreted by the Committee was taken in light of the intent, of mischief activities, not considering exclusion of surgery involving lab experimentation.

Councilmember Kinzer reiterated that the state law does not cover this surgery concept, and that the question was, do they want to prohibit surgery of animals in Bloomington?

Councilmember Richardson said no, we want to prevent cruelty.

Councilmember Kinzer said they might be some question on that.

Sheri Sheridan, Animal Control Commission, said they had looked at the state law, and it did not cover certain borderline areas such as cutting vocal chords of dogs. Obviously on one hand cruelty is covered by certain mutilations, and trimming of nails is not considered cruelty to us anyway. But we feel there are certain surgical means that could be borderline cruelty and we are not sure these are covered by the state law. Pat Riggins, veterinarian, was supposed to be here to speak, but broke his leg today. He could probably explain it a little better.

Councilmember Kinzer and Councilmember Middleton expressed the feeling that this amendment to delete should be voted down, and then hopefully to come up with something to take care of what was the intent originally.

The motion to delete Section 7.36.010 was passed by a ROLL CALL VOTE of AYES: 6, NAYS: 2. Nays: Young, and Olcott.

Comments were made during the voting as follows:
 Councilmember Kinzer: Well, I vote yes, but I strongly urge that an amendment be introduced as soon as possible that would take care of this.
 Councilmember Richardson: Yes, with the same reservations that Ms. Kinzer just made.

The Council took a break at 11:00 until 11:15^{p.m.}
 Councilmember Young and Clerk Dolnick left.

Councilpresident Blume took a poll of the Council and determined that the Utilities Annual Report be heldover until the next meeting, and be placed at the beginning on the agenda. This was determined by a unanimous voice vote of the Council.

Councilmember Towell moved and Councilmember Olcott seconded to delete from Section 7.01 definitions, the section on "grooming shops" since it is not mentioned in the Ordinance.

The motion to delete "grooming shops" was passed by a ROLL CALL VOTE of AYES: 7, NAYS; 0.

Councilmember Towell moved and Councilmember Olcott seconded to that under restraint in the definition (7.01) we have the words "accompanying owner within 15 feet" added at the end of the first sentence.

John Komoroske clarified this intent was to establish that the animal was under control of the owner, and reworded the amendment to read, "or accompanying the owner within 15 feet, and under the control of the owner". This was accepted by the mover and seconder.

The motion to amend the restraint definition (7.01) to read "or accompanying the owner within 15 feet, and under the control of the owner" was passed by a ROLL CALL VOTE of AYES: 7, NAYS: 0.

Councilmember Towell moved and Councilmember Olcott seconded to reduce fees under section 7.12 Licensing, from \$1.00 to \$.50 for neutered animals.

It was determined that the tags cost .05 of a cent in the Controller's Office.

The motion to reduce fees under Section 7.12 from \$1.00 to \$.50 for neutered animals was passed by a ROLL CALL VOTE of AYES: 7, NAYS: 0.

Councilmember Towell moved and Councilmember Olcott seconded to amend Section 7.24 to insert the word "licensed" between "except" and "cats" in the first sentence.

The motion was passed by a ROLL CALL VOTE of AYES: 7, NAYS: 0.

Councilmember Towell moved and Councilmember

Olcott seconded to amend Section 7.32 impoundment under animals to be impounded, period of impoundment, "except licensed cats" to be inserted between "at large animals" and "nuisance animals". It was clarified that in the addition there would be a comma to differentiate this from the rest of the sentence.

The motion was passed by a ROLL CALL VOTE of AYES: 7, NAYS: 0.

Councilmember Towell moved and Councilmember Olcott seconded to amend Section 7.36 the animal care fee or penalty to be raised from \$25 to \$100 for poisoning animals.

The motion was passed by a ROLL CALL VOTE of AYES: 7, NAYS: 0.

Councilmember Towell made comments on the area of animal control, on things not covered by the Ordinance. He mentioned animal population control, suggesting humorously a bounty on amateur breeders as defined in the Ordinance. He thought they should license litters, and then have different fees according to what it done with a member of the litter. He also said he was wondering about the \$5.00 fee for excrement in Section 7.28. He said a number of people had pointed out this would do is set up an unenforceable crime or offense, and it will be the sort of thing that the only time it will be enforced is when somebody is mad at their neighbor. I think that is true; it is probably worse having this, than what it is trying to prevent. I would like to move to strike Section 7.28.020 on page 13. Councilmember Morrison seconded the motion.

The motion to delete Section 7.28.020 was defeated by a ROLL CALL VOTE of AYES: 2, NAYS: 5. Nays: Kinzer, Middleton, Olcott, Richardson and Blume.

Carlos Ortigoza, PALS organization, began by saying he was sorry the meeting had taken so long because his students had finals and had to leave fifteen minutes earlier. He thanked them for the time they spent in this "useless manner". He read an amendment proposal from PALS. (Included at end of minutes.) The amendment asked for the definition of kennel to add "also specifically excluded are groups of cats and/or dogs all of which are altered and cared for within the premises of any nonprofit humane organization".

It was questioned why this amendment was not offered at the Committee level, and it was determined the idea was presented but in a slightly different form.

Councilmember Kinzer asked how to define a Humane Organization?

Carlos Ortigoza said it could be used as defined by animal shelter, which he said his home had been more of than anything else. He read the definition: any facility operated by a Humane Society, or Municipal agency or its authorized agents for the purpose for impounding or caring for animals. He said he did not want to impound animals, but he felt it went better under there than

under the kennel definition. He said it would be feasible to change his own proposal to read animal shelter rather than Humane Society.

Councilmember Towell moved and Councilmember Kinzer seconded to add under kennel, "also specifically excluded are groups of cats and/or dogs all of which are altered and cared for within the premises of any nonprofit animal shelter".

John Komoroske spoke to this amendment. He mentioned that he and Councilmember Richardson had been out to see Mr. Ortigoza's operations that day, and that the thought Mr. Ortigoza was one of the kindest, humane individuals he had ever met. The problem was stated as one of control of this type of organization. There is nothing in the Ordinance to deal with Animal Shelters except in terms of impoundment, but it does not indicate who is run it, or what kind of authority it is to come under. The problem is that incorporation merely involves going to the state for humane incorporation papers, as Alice Kraft will testify, and there is no control exercised over that sort of organization that we can find, imposed by the state. The City would have to set up regulations to tell Mr. Ortigoza what he could and could not do in the operation of his animal shelter, and I am not sure he is ready for that sort of intimate interference in his day to day operation of his organization. I believe the vitality of his organization comes from the difference from his organization and the pound. What we are talking about is creating a new pound on 414 East Cottage Grove Avenue. He indicated he was against the amendment.

Councilmember Towell amended the amendment to add "certified by the Animal Control Commission", which was seconded by Councilmember Kinzer.

Carlos Ortigoza asked for the amendment to be changed from the Animal Control Commission to the Common Council and the Mayor's Office. He said his reasons were that the Animal Control Commission member were appointed four years ago, and the membership was fading.

John Komoroske offered an amendment for this, to change it to "certified by the Animal Control Commission and approved by the Common Council".

The total amendment was restated, to add under definitions 1. Kennel, "also specifically excluded are groups of cats and/or dogs all of which are altered and cared for within the premises of any nonprofit humane animal shelter, certified by the Animal Control Commission, with the approval of the Common Council."

Alice Kraft informed the Council if they were to add something like this dealing with certification, then there must be provisions stated for what standards or guides are indicated to receive certification.

The motion was defeated by a ROLL CALL VOTE of
 AYES: 1, NAYS: 6. Nays: Morrison, Kinzer, Middleton, Olcott, Richardson, and Blume.

Comments were made during the vote as follows:
 Councilmember Kinzer: I think I am too worried about the specific wording of this.
 Councilmember Middleton: I am also confused, no.
 Councilmember Richardson: No, with the hopes that we will have some rewording later on, and we can discuss this at another time.

Councilmember Kinzer moved and Councilmember Middleton seconded to delete under definitions 1. Kennel, the last sentence, "specifically excluded are groups of cats etc".

John Komoroske stated the purpose of this as he saw it was that cats altered and kept on the premises may meow and make some noise, but this would be the extent of their disruption of neighborhood activities, whereas dogs kept, or other animals would make alot of noise that would be disturbing to neighbors. So I think the noise is the only real mischief we are aimed at here, excluding the aristocats or whatever in town.

The motion to delete the last sentence under defeinitions 1. kennel was passed by a ROLL CALL VOTE of AYES: 5, NAYS: 2. Nays: Towell, and Olcott.

Councilmember Kinzer moved and Councilmember Middleton seconded to adopt Ordinance 76-14 as amended.

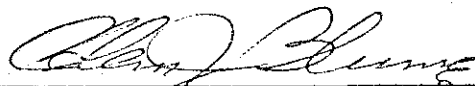
At this point Controller Pat Gross explained to the Council that she had several amendments that had to do with the licensing sections of the Ordinance. She said she would be glad to come back in two weeks with this, to consider the changes.

Ordinance 76-14 was adopted as amended by a ROLL CALL VOTE of AYES: 6, NAYS: 1. Nays: Morrison.

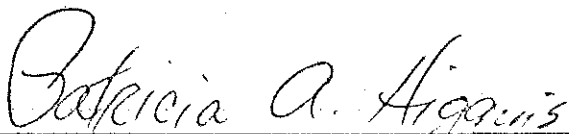
Councilmember Olcott moved and Councilmember Morrison seconded to adjourn the meeting, there being no further business.

The motion was passed by a unanimous voice vote of the Council at 11:58 p.m.

(Minutes of February 5, and March 2, 1976 were held over until the next meeting for approval.)



Clem J. Blume, President
 Bloomington Common Council



Patricia A. Higgins, Research Ass't

MINUTES OF 10 MARCH, 1976 PUBLIC SAFETY/POLICY & LEGISLATIVE OVERSIGHT COMMITTEE, held at 7:30 p.m. in the Older American Center with Committee Chairman Jeff Richardson presiding. Agenda: Resolution 76-11, Temporary Loan, re: \$32,500 to Police Pensions; Ordinance 76-14, Animal Control Ordinance. Present: Councilmembers Richardson, Towell, Olcott; Debbie WANTSII, Assistant to the Mayor; Steve Richardson, City Attorney; John Komoroske, Council Administrator/Attorney. There were approximately twenty-five others present, including members of the press and Animal Control Commission.

Councilmember Richardson began the meeting at 7:38 p.m. by introducing Resolution 76-11, Temporary Loan from Local Road and Street Fund of \$32,500 to the Police Pension Fund.

Pat Gross, City Controller, explained that this was just a temporary loan to meet operating expenses for the Police Pension Fund until their next tax draw in June. She noted that the funds are available from the Local Road and Street Fund, and that the loan will be paid back by December 31, 1976.

Councilmembers Richardson, Towell and Olcott gave an unanimous Do Pass recommendation on Resolution 76-11.

Councilmember Richardson then introduced Ordinance 76-14, the Animal Control Ordinance. He suggested that John Komoroske go through the amendments that he had proposed with Steve Richardson.

John Komoroske then went through his amendments, chapter by chapter (copy of proposed amendments attached).

Chapter 7.01 Definitions:

Carlos Ortigoza commented that item (1), Kennel definition, discriminated against dogs by saying "specifically excluded are groups of cats all of which are altered and all of which are confined to the owners premises". He suggested that the definition be changed to define exclusions as follows: "specifically excluded are groups of cats and/or dogs, all of which are altered and cared for by a non-profit humane society or organization".

John Komoroske explained that the reason for the discrepancy was that cats do not present as great a health hazard to the community as far as frightening or biting citizens, they do not make as much noise as dogs, and they do not leave as much excrement on lawns. He also explained the proposed amendment to delete "humane society" from definitions, as it is not used.

Carlos Ortigoza answered that it was flagrant favoritism towards people that own cats.

Councilmember Richardson inquired as to why the clause was included in the ordinance.

Pat Riggins of the Animal Control Commission answered that he didn't know. He reiterated John Komoroske's statement about cats being less of a danger to the public. He noted that there might be a problem in defining "non-profit humane organization".

Steve Richardson agreed that there would be a problem in defining "non-profit humane organization".

Sherri Sheridan of the Animal Control Commission commented that this was intended to protect the animals and citizens, and that the number of dogs or cats allowed without getting a kennel license has been raised from two to four.

Councilmember Towell noted that nuisance is provided for in the ordinance, and asked what do dogs do to present a nuisance?

Pat Riggins answered that you have to look at things which are likely to happen. He said that protection has to be included to take care of the unforeseeable, i.e. nuisance.

Steve Richardson commented that the clause governs the conditions of private ownership. He said that with dogs you can have a Kennel operation whereas with cats you cannot.

Carlos Ortigoza said that the nuisance definition says dogs and not cats should be under restraint. He said that cats also bite children and that they can also be a nuisance by scratching cars, etc.

Councilmember Richardson moved to accept Carlos Ortigoza's amendment, but the motion died due to a lack of a second.

Jack Tracy asked why the number of dogs that are allowable has been raised from two to five dogs. He said that animal psychology dictates that when you have more than two dogs together, they make more noise by reinforcing each others barking.

Glen Ludlow of the Animal Control Commission answered that there is no magic number and that any number would remove rights from some people, but they wanted to push the number to the upper limit rather than being harsh on people.

Councilmember Olcott asked who checks to see if a person has too many dogs?

Steve Richardson answered that that can be determined by looking at the number of licenses and complaints received.

Chapter 7.04 Animal Control Commission

John Komoroske mentioned that the only changes in the chapter was in striking 7.04.060, Compensation. He noted that most city boards and commissions do not give compensation, and that there is a problem in finding funds to pay every board member.

The committee voted unanimously to strike 7.04.060, Compensation.

Chapter 7.08 Humane Officer and Staff

John Komoroske noted that this chapter had been substantially reworked. He said that the Humane Officer and staff would be able to go onto a person's property to retrieve an animal that was not under restraint. He emphasized that the Humane Officer would not be able to enter a person's dwelling unit without a search warrant and a police officer unless the owner is willing to allow him to enter the dwelling unit. He also noted that the Senior Humane Officer will not be able to carry a gun or make arrests.

Sherri Sheridan asked that 7.08.010, Position Created - Appointment not be deleted as recommended in the proposed Amendments. She commented that the Animal Control Commission should be able to give its advice and consent to the Senior Humane Officer appointment, noting that Mayors come and go and there is no guarantee that the Mayor will appoint a competent person to the position.

Steve Richardson added that there is a problem in having the City granting powers. He noted that it is the Common Council that defines powers and that perhaps the section could be amended to state "with the advice and consent of the Common Council".

Councilmember Olcott moved that it be changed to "with the advice and consent of the Common Council".

Sherri Sheridan added that she believes that the Animal Control Commission is more knowledgeable in this area than

the Common Council.

Councilmember Olcott noted that the Animal Control Commission members are also appointed by the Mayor.

Councilmember Richardson answered that this was being changed to have the Council appoint three members.

Councilmember Towell remarked that he remembers when the Commission was being formed, and that this issue was a compromise. He stated that he favored having the advice and consent of the Animal Control Commission in the ordinance. There was no second to this suggestion.

It was asked by an unidentified person why tickets cannot be issued for violations rather than having the dogs picked up.

John Komoroske answered that that was the most desirable solution; however, the city is prohibited from doing so by state law.

Jack Tracy asked why the Humane Officers staff couldn't be deputized and given the power to make arrests for violations.

Steve Richardson answered that they are not allowed to carry a gun or make arrests because they are violations, not crimes being committed.

Dale Martindale, Senior Humane Officer, stated that he did not want to carry a gun, and that to carry a gun and wear a uniform would be more of a detriment than a help as far as dealing with people is concerned.

Chapter 7.12 Licensing

John Komoroske explained that the proposed amendments in this chapter would involve a clause where no person who has been convicted of cruelty to animals in Indiana could not get a license without review by the Animal Control Commission. It also includes a clause where any license issued upon false or withheld information shall be null and void.

Carlos Ortigoza noted that PALS spay and neuter animals. He asked why the number of euthanized animals at the shelter has varied so much. He noted it has varied between 180 to 500 euthanized animals per month. He said that in August of 1975, 502 animals were killed. He compared that figure to the 800 to 900 per month in 1972 and 1973. He suggested that the fees for licensing be raised. He said that it used to be \$20 for dogs and \$15 for cats and the new ordinance suggests \$5 for dogs and \$3 for cats. He suggested waiving the license fee for persons who spay or neuter their animals. He noted that there were fifty to sixty dogs licensed in 1971, and last year there were over one thousand licensed animals. He contended that the reason that more animals were registered was because the fee was fifty cents. He noted that the new amendments suggest raising the fee to \$1.00. He said that the fifty cents is enough to cover the cost of the tag and the labor according to the Controller's Office. He stated that if the fee is raised to \$1.00, poor people wouldn't be able to afford it.

John Komoroske retorted that if the fees are raised to \$15 or \$20 as Mr. Ortigoza suggests, it would be extremely prohibitive to low-income people.

Steve Richardson reiterated John Komoroske's comment that if the spaying and neutering fees are too high, people would not have the operations done.

Jack Tracy agreed with Carlos Ortigoza. He stated that the

Steve Richardson explained that one to four dogs is acceptable, over four dogs necessitates a Kennel Permit.

Councilmember Towell suggested that a bounty of \$25 be offered for each amateur breeder turned in to the authorities.

John Komoroske explained that there is a difference between a breeder and an operator. An amateur breeder is anybody that has dogs or cats that breed. The animals can either be kept and licensed or given to the animal shelter.

Councilmember Towell asked how the ordinance will be enforced.

Carlos Ortigoza answered that the problem with enforcement has been that there has been no law on the books.

The committee voted unanimously to accept John Komoroske's amendments.

7.24 Restraint

John Komoroske explained the proposed amendment under General Requirements. He suggested deleting the second sentence, noting that it is already covered in another section. He explained a new amendment to add "license" between "except" and "cats" in the first sentence. This would allow licensed cats to roam free.

A question was raised about the case of obedient dogs that don't need a leash.

Councilmember Richardson explained that the Senior Humane Officer and his staff will use discretion on those matters. He noted that they will not snatch your dog off the sidewalk if it is walking beside you.

Sherri Sheridan added that this provision was also protecting dogs.

John Komoroske mentioned that there is a legal problem in defining "restraint".

The committee voted unanimously to change the definition of "restraint" to read that the animal be considered under restraint if it is within fifteen feet of the owner.

7.28 Nuisance.

John Komoroske explained the proposed amendment, stating that the word "public" should be inserted before "nuisance", to conform with the definitions in the ordinance.

The committee voted unanimously to approve John Komoroske's amendment.

only way to deal with the problem is to have all animals altered. He added that there are services available, such as PALS, that provide financial assistance to those persons who cannot afford to have their pets spayed or neutered. He stated that it is a fallacy that people have a right to own a dog, and that most people that have dogs probably shouldn't have them.

Councilmember Towell inquired as to how the Animal Control Commission plans to address the population problem.

John Komoroske stated that that is taken care of by the Amateur Breeder's License.

Carlos Ortigoza added that the license fee for animals that aren't neutered and spayed is less than the cost of spaying. He asked why should people have their pets spayed as long as they only have to pay \$3 or \$5 to have their animals licensed.

The committee voted unanimously to accept the amendments and change the fee from one dollar to fifty cents for neutered or spayed animals. Councilmember Towell noted that he approved the motion under the condition that fifty cents is enough to cover the cost of the license.

Steve Richardson commented that the Amateur Breeder's License penalizes owners of dogs that have offspring, thereby hoping to control the population.

Councilmember Richardson moved to accept the amendments and change \$1.00 to fifty cents for neutered or spayed animals.

Councilmember Towell seconded the motion on the condition that fifty cents does cover the cost of the license.

Steve Richardson mentioned that there is a problem in giving money back to persons who are refunded the difference in license fees between animals that are spayed and those that are not. If you refund money to people once their animals are spayed, it creates a problem in having to maintain an operating balance. He noted that money cannot be appropriated to a cash fund.

Councilmember Richardson suggested that Pat Gross be asked about what complications would result if that section were to be adopted.

7.16 Commercial Animal Establishment Permits.

John Komoroske commented that this section has also had a cruelty to animals clause added regarding licensing and a new section regarding reclassification.

Carlos Ortigoza suggested that grooming shops be omitted from the definitions because they are not mentioned in the ordinance.

The committee voted unanimously to delete letter (1), Grooming Shops, from Chapter 7.01, Definitions.

7.20 Non-commercial Animal Permits.

John Komoroske noted the distinctions between Commercial and Noncommercial Animals Permits. He said that with a Commercial Animal Permit, the Humane Officer can enter the dwelling unit where with a Noncommercial Animal Permit he cannot. He commented that an Amateur Breeder's Permit is for two dogs, if he is a breeder, he must have a Breeder's Permit.

7.32 Impoundment.

John Komoroske explained the amendment stating that a clause had been added for notifying owners of dogs and cats before being euthanized. It allows the owner three days to claim his animal. He also suggested a new amendment under section 7.32.010 to read "At large animals except licensed cats and nuisance animals shall be...."

The committee voted unanimously to approve the amendment offered by John Komoroske.

7.36 Animal Care.

John Komoroske explained the proposed amendments of deleting 7.36.010, Physically Altering Animals, and 7.36.040, Motor Vehicle Accidents Involving Animals. He explained that the word "surgery" is hard to define and that mutilation of animals is already covered by state law. He recommended deleting 7.36.040 because of the time and effort involved in enforcement.

Sherri Sheridan and Carlos Ortigoza recommended that 7.36.040 not be deleted, noting that it would help considerably in contacting owners, etc.

The committee voted unanimously to delete only section 7.36.010.

Carlos Ortigoza suggested that the fine for poisoning animals be raised from \$25 to \$100, noting the seriousness of the violation.

The committee voted unanimously to raise the fee for poisoning animals from \$25 to \$100.

There were no suggested amendments to Chapters 7.44, Rabies; 7.48, Adopted Animals; and 7.52, General Provisions.

The meeting was then adjourned at 10:15 p.m.

SUGGESTED AMENDMENTS TO THE ANIMAL CONTROL ORDINANCE, 76-14

Amendments developed by the City Attorney
and Common Council Administrator/Attorney

- 1) Change: In 7.01.010, Definitions, delete definition (k), Humane Society, and reletter the definitions following it.
- Rationale: No definition is needed because Humane Society is not mentioned anywhere in the ordinance.
- 2) Change: Delete 7.04.060, Compensation of Animal Control Commission Members.
- Rationale: The Commission, like most other boards and commissions, is made up of citizen-volunteers; the city will have no money to pay members.
- 3) Change: In 7.08.010, Position of Senior Humane Officer, delete the phrase "with the advice and consent of the Animal Control Commission" directly following "Mayor".
- Rationale: The Mayor appoints all department heads and does not wish to lose any of his executive authority over hiring or firing employees.
- 4) Changes: Section 7.12.020 is amended to read as follows:
7.12.020 Obtaining a License. Applications for a license shall be made to the Senior Humane Officer or the City Controller's Office or any authority deemed appropriate by the Commission. The application, one per animal, shall include the name and address of the applicant, a description of the animal, a current rabies certificate issued by a veterinarian and information whether the applicant has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. If the applicant withholds or falsifies any information on the application, no license shall be issued, and any licenses issued upon false or withheld information shall be null and void. No person who has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. shall be issued a license without review by the Animal Control Commission. Application for a license must be made when the animal reaches the age of six [6] months. When a person obtains an animal older than six [6] months, a license must be applied for within twenty [20] days.
- Section 7.16.030 is amended to read as follows:
7.16.030 Obtaining a Permit. Applicants must apply for permits required by this chapter with the City Controller or the Senior Humane Officer. The application must contain, in addition to information whether the applicant has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq., a statement that the applicant complies and will comply with the regulations promulgated under authority of 7.08.020 of this code, and that he authorizes the Senior and Staff Humane Officers to inspect his facilities and animals. The permit shall be issued when the applicant complies with the laws and regulations pertaining to issuance of permits, and pays the fee required if the applicant with-

holds or falsifies any information on the application, the permit shall not be issued, and any permit issued upon false or withheld information shall be null and void. No permit to operate a commercial animal establishment shall be issued to an applicant who has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. without review by the Commission.

Section 7.20.020 is amended to read as follows:
7.20.020 Obtaining an Amateur Breeder Permit. Applications for an Amateur Breeder Permit shall be made to the Senior Humane Officer or the City Controller's Office or any authority deemed appropriate by the Commission. The application shall include, at a minimum, the name and address of the applicant, and information whether the applicant has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. If the applicant withholds or falsifies any information, no permit shall be issued, and any permit issued upon false or withheld information shall be null and void. No person who has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. shall be issued a permit without review by the Commission. An owner must apply for an amateur breeder permit within twenty [20] days of his becoming an amateur breeder.

Section 7.20.040 is amended to read as follows:
7.20.040 Obtaining a Kennel Permit. Applicants must apply for Kennel Permits with the City Controller. The application must contain, in addition to whether the applicant has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq., the number, breed, color and sex of each dog or cat held and the location in the city at which the animals will be housed. If the applicant withholds or falsifies any information, no permit shall be issued, and any permit issued upon false or withheld information shall be null and void. No person who has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. shall be issued a permit without review by the Commission. If the proposed or existing site of the kennel is not located in an area zoned for kennels, the Controller shall not accept the application. If not accepted because of zoning, the applicant must then within a period of two months apply to the Board of Zoning Appeals for a variance and if such variance is granted, and all other requirements are met, the Controller shall accept the application.

Rationale: There are two basic changes proposed here for these chapters: to specify the particular "cruelty to animal" violations that are to be put on the application and to provide that any license or permit issued on inaccurate information is void. The first change is made so that people are put on notice exactly what constitutes "cruelty to animals", and also to protect them from losing their right to own animals because of too harsh laws in other states. The second change, which deals with licenses being void, is made to clarify the point that false information not discovered at the time of the application cannot be used to gain a valid license.

5) Changes: Amend 7.16.060 to read as follows:
 7.16.060 Reclassification. Any person who has a change in the category under which the Commercial Animal Establishment Permit was issued shall report the change to the city and apply for the new permit required. Appropriate changes, including pro rata credit for the previous permit, shall be made by the city.

Amend 7.20.070 to read as follows:
 7.20.070 Reclassification. Any person who has a change in the category under which the Noncommercial Animal Permit was issued shall report the change to the city and apply for the new permit required. Appropriate changes, including pro rata credit for the previous permit, shall be made by the city.

Rationale: These changes put an affirmative duty on a permit holder to report that he has a change in classification and to apply for a new permit. By shifting this duty to the permit holder, instead of relying on constant inspection by the humane officers, it will be easier to enforce these sections without working undue hardship on the permit holders.

6) Change: Amend 7.24.010 to delete the second sentence.

Rationale: The second sentence of this section is deleted because it deals with a duty already required, in more specificity, in 7.28.010.

7) Change: In section 7.28.010, place "public" in front of "nuisance" each time it appears.

Rationale: The term "public nuisance" is defined in the ordinance while "nuisance" is not. This was due to an oversight.

8) Change: Amend 7.32.030 to read as follows:
 7.32.030 Notice of Impoundment - Reclaiming. If by a license tag or other means the owner of an impounded animal can be identified, the senior humane officer shall immediately upon impoundment notify the owner by telephone or mail. Animals whose owners are not identifiable or cannot be notified after reasonable effort shall be held for five days from impoundment before becoming the property of the city. Animals whose owners are notified shall be held for three days from actual notice to the owner before becoming property of the city. Animals that are property of the city may be placed for adoption or humanely euthanized. An owner claiming an impounded dog or cat shall pay a board fee of five dollars [\$5.00] plus two dollars [\$2.00] per day each day the animal was impounded. Any owner reclaiming an impounded dog or cat shall pay a board fee and daily charge in keeping with the size and needed care of the animal.

9) Rationale: These changes clarify that the impounded animals will be held a sufficient time before being euthanized for 1) the identified owner to be contacted and claim his animal and 2) for the unidentified owner to realize that his animal is gone and may be at the animal shelter.

10) Change: Delete section 7.36.010, Physically Altering Animals.

Rationale: This section should be struck for two reasons: first, State law already covers "mutilation" of animals in I.C. 35-1-107-1 et seq. so that the city is precluded from legislating on it. Second, there exists no legal definition of "surgical" to distinguish between a spaying operation and trimming of nails and hair.

11) Change: Delete section 7.36.040 Motor Vehicle Accidents Involving Animals.

Rationale: To enforce this section will take an inordinate amount of already scarce police time. Further, putting an affirmative duty to report on a person would probably require showing of a more compelling city interest than reducing the suffering of animals.

PAIC

To Bloomington City Common Council Members:

PALS (Peoples' Animal Lovers Society) is an all-volunteer, private, nonprofit humane organization, separate from, and not committed to any city, county, state, or federal agency, or any other humane society. Our policy for membership is that anyone who loves animals is a PALS member. There are no dues for membership. Our sole commitment is to the lives of abandoned, sick or mistreated animals. Our sole goal is to put an end to the cause of this situation by altering as many animals as possible - - as opposed to killing the surplus.

PALS purpose has been since its foundation three and one half years ago to serve the community by giving economic aid to thus far an impressive 991 pet owners who have had their animals spayed or neutered. Because of PALS service, the number of surplus animals killed at the City Animal Shelter every year has drastically been reduced.

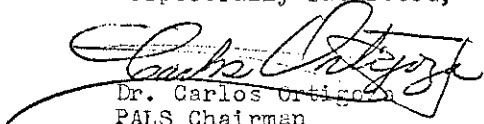
Our contributions to animal control has been more substantial and long lasting than any other previous or present effort on this regard. In addition to our altering program, PALS has provided shelter for a limited number of homeless, unadoptable or hard-to-place animals, and to find permanent homes for young dogs and cats while educating the community about the animal population explosion and its solution.

There is no charge for our services but our adoption policy is that no young pet leaves PALS home without the prospective owners of the pet paying in advance for its neutering or spaying. If it is an adult pet, the new owner will pick it up at the hospital where it was altered.

A very important note appears in the Directory of Community Resources published by the Community Service Council, which reads: "We do not provide kennel services for the boarding of pets." Nor do we provide any of the other services mentioned in the definition of kennel. This is a crucial distinction which nullifies PALS as a kennel or a kennel operation. (Please see "kennel" under Definitions of Title 7). For this important difference and because we have to have a legal status with the city we want to propose an amendment to the definition of kennel and after the clause "Specifically excluded are groups of cats all of which are altered and all of which are confined to the owners premises."; add

"Also specifically excluded are groups of cats and/or dogs all of which are altered and cared for within the premises of any nonprofit humane organization."

Respectfully submitted,


Dr. Carlos Ortigosa
PALS Chairman
414 East Cottage Grove
Bloomington, Indiana 47401

AN ORDINANCE TO AMEND CHAPTER 4.24 OF THE BLOOMINGTON MUNICIPAL CODE, TAXICABS, SECTION 4.24.040 BUSINESS LICENSE - APPLICATION BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA:

SECTION 1. That section 4.24.040 of the Bloomington Municipal Code, entitled "Business License - Application," be amended to read as follows:

1. The name and address of the person, partnership, firm, or corporation desiring the license; if each of the officers thereof;
2. That the applicant is financially able to render taxicab services as petitioner for and has the requisite resources and financial backing, including liabilities, and insurance coverage meeting the current specifications of the Indiana Department of Motor Vehicles;
3. That the petitioner owns and is the sole owner of the following described taxicabs, and intends to and will operate such taxicabs in such service;
4. The make model, factory number and state license number of the motor vehicles to be driven as taxicabs;
5. The Chief of Police shall cause a safety check of each motor vehicle designated in the application and report the same with his recommendations to the Common Council prior to the issuance of any license;
6. If the City of Bloomington in conjunction with the Common Council determines that additional taxicabs are needed in Bloomington and that a license for new cabs be issued, the City will offer said new license to owners of the existing City licenses, such current licensees having a period of ninety (90) days in which to submit application to the Common Council beginning on the day of postmark of the letter of offer.
7. In the event of the issuance of any new license, the license shall have his vehicles in service within ninety (90) days from the date of issuance, or the license shall lapse.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, promulgation and publication in accordance with the law.

Passed and adopted by the Common Council of the City of Bloomington, Indiana, on the 5th day of February, 1976.

By: Edwin C. De St. Croix, President
Bloomington Common Council

ATTEST:

Jan Worley, Deputy City Clerk

Presented by me to the Mayor of the City of Bloomington, Indiana, upon the 18 day of Feb, 1976, at the hour of 11:30 o'clock a.m.

Jan Worley, Deputy City Clerk

This Ordinance approved and signed by me upon the 27th day of Feb, 1976, at the hour of 2:00 o'clock p.m.

Francis X. McCluskey
Mayor
City of Bloomington

CITY OF BLOOMINGTON

Interdepartmental Memo

TO: Common Council Office SUBJ: Agenda Item for Feb. 19th
FROM: Pat Gross/Controller DATE: February 5, 1976

This is to request Council action as described in Chapter 4.24 TAXICABS of Bloomington Municipal Code.

Mr. George McNeely of the Yellow Cab Company has submitted to this office (1) a signed application, duly sworn to, (2) a list of his cabs, their make, model, factory number, and state license number, (3) a letter from Brinegar Insurance Agency describing the insurance carried by Yellow Cab.

The Chief of Police is now conducting the safety check of each motor vehicle in the Yellow Cab fleet and will send a letter reporting on that inspection in the next few days.

I believe these are all the documents relevant to Mr. McNeely's license.



BRINEGAR INSURANCE AGENCY

COMPLETE INSURANCE SERVICE

706 N. College Ave., P. O. Box 1155, Bloomington, Ind. 47401

Telephone: (812) 339-1105

January 28, 1976

City Controller
City of Bloomington
220 E. Third Street
Bloomington, Indiana

Dear Sir:

Please be advised we are insuring the taxi cabs operated by the Yellow Cab Company of Bloomington, Inc. for the following coverages: Bodily Injury \$15,000/30,000; Property Damage \$10,000 and Uninsured Motorists \$15,000/30,000.

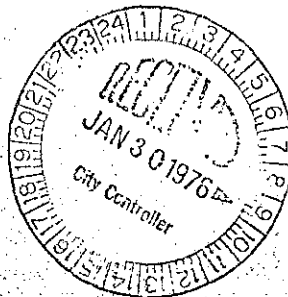
We are also carrying an Excess Limits policy for \$500,000. Bodily Injury and Property Damage for the Cab Company which applies to the taxi cabs.

If additional information is needed, please contact our office.

Sincerely,

J. F. Brinegar
J. F. Brinegar

JFB:dmb



Application for Taxi Cab License

①

I/or we hereby make application for a license to operate a Taxi Cab business in the City of Bloomington, Indiana, under the ordinance of said city for the regulation, control and licensing of Taxi Cabs as adopted by the Common Council of said city on the 31st day of December, 1945.

Name in full Yellow Cab Co Inc.
Address 217 W. 6th

Names and addresses of the persons, partnership or corporation on whose behalf this application is made. (Name each individual)

G. E. McNeely RR13
Sybil A McNeely RR13
Thelma McNeely 175 E. 10th

The applicant certifies that he is financially able to render Taxi Cab service as petitioned for and has the following resources and financial backing, including liabilities, to-wit:

67,000 Assets liab - 4,000

I/or we are sole owners of the following described Taxi Cabs, and intend to, and will operate only such cabs in such service: (Give make, model, factory number and State of Indiana license number of each motor vehicle to be used and driven as a Taxi Cab.

See Page #2

G. E. McNeely

Said applicant being duly sworn says that the above statements are true and correct and are made for the purpose of securing a license to operate a Taxi Cab business in said city under the ordinance governing the same.

Subscribed and sworn to before me this 30th day of January 1976

My commission expires October 11, 1978

J. J. Caldwell
Notary Public

We, the undersigned members of the Common Council of the City of Bloomington, Indiana, having examined this application, recommend that a license be (be not) granted.



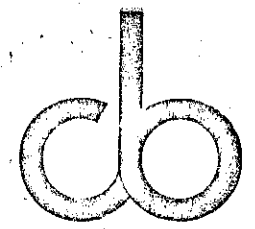
Yellow Cab Co Inc.

1976 Plates

Car #	Year	Make	Check #	Plate #
2	1972	Checker	A11310624753	53A 1920
4	1972	"	A11271223692	53A 1919
6	1972	"	A11227222036	53A 1917
7	1975	"	A11663050879	53A 1929
9	1975	"	A11663050878	53A 1932
10	1975	"	A11690751586	53A 1930
11	1973	"	A11456934799	53A 1934
14	1975	"	A11704452097	53A 1925
15	1975	"	A11690751588	53A 1931
16	1973	"	A11456934801	53A 1916
17	1975	"	A11704452158	53A 1926
18	1973	"	A11400032568	53A 1914
19	1973	"	A11400032578	53A 1912
20	1972	"	A11264223449	53A 1922
21	1975	"	A117044552096	53A 1911
22	1973	"	A11374032192A	53A 1924
23	1974	"	A11531240669	53A 1904
24	1974	"	A115312406870	53A 1908
25	1974	"	A11550541096	53A 1909
26	1975	"	A11704452157	53A 1918
27	1974	"	A11148814636	53A 1927
28	1972	"	A11300324574	53A 1903
29	1974	"	A11594343563	53A 1902
30	1974	"	A11594343564	53A 1901
46	1975	"	A11715752511	53A 1933

9 ea 1975
 6 ea 1974
 5 ea 1973
 5 ea 1972

25 Cabs



city of bloomington

box 100, municipal building, bloomington, indiana 47401

police department
 (812) 339-4477

February 5, 1976

Common Council
 City of Bloomington
 Bloomington, Indiana

This is to certify Yellow Cab Company of Bloomington, Indiana of 217 West 6th Street, operated by B. E. McNeely, Sylvia McNelly and Thelma McNelly, has complied with the city ordinance. The twenty-five (25) vehicles described on the attached sheet have been inspected by Sgt. Robert Souders of the Bloomington Police Department and do meet the required standards as prescribed in the ordinance.

Carl L. Chambers
 Chief of Police

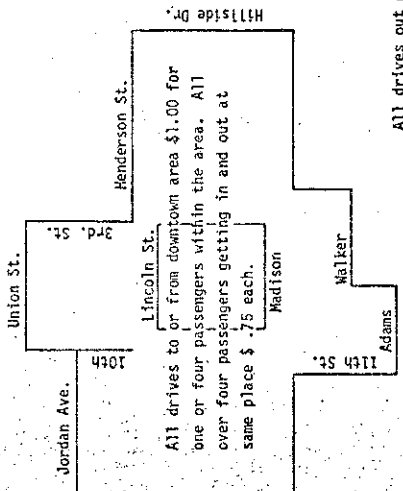
CLC/yd
 Encl.

Move Jobs \$5.00 and up plus fare

CAB PRICES

All drives figured from the Downtown Area

Airport	\$3.15 each	G. E.	\$1.70
Arden Place	1.70	Hoosier Acres	1.80
Arlington	1.30	Johnson Add.	1.45
B. H.S.	1.30	K-Mart	1.50
Becks Crossing	1.80	Leonard Sp. Add.	2.05
Blue Ridge	1.45	Maple Crest	1.55
Broadview	1.30	Marlin Hills	2.05
Brown Cliff	1.55	Matlock Hts.	1.30
Cascades Add.	1.45	19th & 20th Sts.	1.10
Clear Creek	1.80	Ottis Elevator	1.70
College Mall	1.30	Parkridge	1.65
Colonial Crest	1.30	Parkridge East	1.80
Cont. Terrace Apt.	1.80	Ridgeway Hills	1.40
Country Club Add.	1.45	Sherwood Oaks	1.80
Eastland	1.20	Southgate	1.30
Eastern Heights	1.30	Suburban	1.30
Fritz Terrace	1.55	Sunnystopes	1.55
Grandview Hills	1.80	Sycamore Knolls	1.80
Garden Acres	2.55	Tulip Tree Apt.	1.30
Hansonburg	1.30	U. H. S.	1.30
Hilltop Apt.	1.00 15	Urban Renewal	1.05
Highland Village	1.70	Van Buren Park	2.30
Hoosier Courts	1.15	Westinghouse	1.70
Heritage Garden	1.30	Windanere	1.70



All drives out of town figured at \$.70 per mile.
 All on-the-way stops (3 min.) - \$.40

Waiting and Driving in City \$10.00 per hour
 All passengers from ~~V~~ TO PLANES Train & Buses Straight Fares

*INSURANCE CO
 Allows BUT 4 PASS
 ON THE OUT OF TOWN DRIVES
 NO MORE THAN 4*

March 16, 1976

On April 1st, 1976, the Coalition to end Campus Complicity with the C.I.A. is planning a teach-in to educate I.U. students, faculty, staff, and Bloomington residents about the activity of the C.I.A. , both past and present, in domestic and foreign affairs. In light of the recently publicized scandals of the C.I.A., and because of the confusion which many people feel about the value of the C.I.A., we feel that there is a great need for education in this area. We would appreciate your endorsement of this teach-in.

I hereby endorse the planned teach-in on the subject of the C.I.A.'s role, past and present, in domestic and foreign affairs.