

In the Common Council Chambers of the Municipal Building in regular session held on September 16, 1976, with Councilpresident Blume presiding.

REGULAR SESSION
COMMON COUNCIL
September 16, 1976

Present: Councilmembers Blume, Kinzer, Middleton, Morrison, Olcott, Richardson, De St. Croix, and Towell. Absent: Councilmember Young (due to death in his family).

ROLL CALL

Present: Carl Chambers, Chief of Police; Michael Corbett, Council Administrator; Bill Finch, Personnel Director; Karel Dolnick, City Clerk; Debbie Mantell, Mayoral Aide; Leo Burke, Director of Human Resources; Eve Berry-Brigl, Human Resources; Bill Wilson; Director of Parks and Recreation; Steve Richardson, City Attorney; Marie Harlan, Covenor of the Traffic Commission; Julie Lundin, Bicentennial Commission; Pat Gross, City Controller; Pat Patterson, Director of Redevelopment; Jean Strohm, Executive Secretary of Board of Works. There were 28 others present.

CITY OFFICIALS
PRESENT

Councilpresident Blume then gave the agenda summation. For second reading, Appropriation Ordinance 76-18, To appropriate Funds from Cumulative Capital to Parks and Recreation; Ordinance 76-57, Budget Transfer; Resolution 76-34, Temporary Loan to Parks and Rec.; Ordinance 76-59, Salary Ordinance for Police and Fire Departments; Ordinance 76-58, Petition for Organization for a Regional Solid Waste District; Ordinance 76-43, To Charge Fees for False Alarm Systems that Terminate in the Police Department; Ordinance 76-55, Traffic Amendments; Ordinance 76-56, To Repeal and Re-enact "Bicycles" in the Bloomington Municipal Code; Resolution 76-35, To Recognize Monroe County Housing Authority. For first reading, Appropriation Ordinance 76-19, from Local Road and Street Fund to Project #7; Ordinance 76-61, Historic Designation change in code; Ordinance 76-60, Historic Designation for Elias Abel House; Ordinance 76-63, To Amend Zoning re: 2700 block of Vernal Pike RL & ML to ML; Ordinance 76-65, Traffic Amendment; Ordinance 76-66, Budget Transfer for the Common Council. Also the Annual Report of the Redevelopment Department and the minutes of August 19, August 23 and August 30, 1976.

AGENDA SUMMATION

Debbie Mantell noted Mayor McCloskey requests Council approval of Shirley Cordes to the Environmental Commission.

MESSAGES FROM
THE MAYOR

Appointment of Shirley Cordes to the Environmental Commission

Councilmember De St. Croix moved and Councilmember Towell seconded a motion to accept the Mayor's appointment of Shirley Cordes to the Environmental Commission. Approved by Council by vote of Ayes: 6, Nays: 2. Nays: Councilmembers Olcott and Kinzer.

Councilmember Richardson: In the September 18 Herald-Telephone on the top of page one, we see the headline that states "Deterioration may doom library". We already have a structure that is deteriorated but that is also essential for the peace and safety of our community, the Monroe County Jail. For the past several months we have had revealing stories concerning our delapidated jail facilities. I appreciate the fine reporting that has been done by the media. But, most importantly, I am strongly supportive of Sheriff Brown and his staff in his efforts to openly discuss this problem in hopes of improving the present jail facilities. Sheriff Brown and his staff have been most cooperative with local and campus media, local agencies, student researchers, and, in general, all concerned citizens in attempting to make the jail condition a community problem that needs to be addressed with full public discussion. It is refreshing to myself and several others whom I've discussed this

MESSAGES FROM
COUNCILMEMBERS

problem with, that we have government officials that are willing to openly discuss problems that may place their status as an administrator on the line. It takes courage and a deep concern for people to take this kind of strong position. In addition, I commend Sheriff Brown, Police Chief Chambers, Chief Probation Officer Jim East and several other law enforcement and lay people for their concern for better jail facilities, especially the need for special attention towards youth in trouble in our community. I hope that the Sheriff and other interested governmental officials, citizens and the media, will continue to advocate the need for a new detention facility in Monroe County, despite the misgivings of a handful of our fellow citizens. I am meeting with the Mayor tomorrow to discuss the youth shelter care facility in Monroe County and I thought it was necessary to make this statement because there have been questions about whether or not the present jail situation is being handled properly. It has really gotten past the point of discussing the correct procedure, we need to discuss the problem. It is very serious, we have had part of our jail facility closed down. The law enforcement people in the community are speaking out because they have to speak out; they are not trying to make an issue out of something that is not an issue. I want them to know that they have my support.

Councilmember Middleton: It has been my responsibility to review the jail through the Monroe County Board of Health and also as a physician doing a special study. Everyone has a responsibility to try to make this facility not necessarily habitable, but certainly more secure and less conducive to ill health among the prisoners. This is a real problem of national interest. Unfortunately, the county's facilities, while they are better than some, are much worse than others and leave a great deal to be desired. I fully support Councilmember Richardson in his statement. I think the community in general should be supportive of this effort. You or your family might not be there, but once a person becomes incarcerated in the jail, it becomes the responsibility of everyone in the community. We should be aware of our responsibilities, regardless of whatever governmental unit we are involved with.

Councilmember Olcott: Recently the county has done a good job on repairing and clearing the intersection of Moore's Pike, they have cleaned up the shrubs and trees and is now more attractive and much more safe for the travelers on Moore's Pike and Sare Road.

Councilmember De St. Croix: There is a measurable absence in the Chambers tonight, missing is a gentleman whose kindness and wisdom has stood by the City of Bloomington for a long time. I am referring to Marvard Clark. He is sick in the hospital. He has touched the lives of many people in this town and it might stand well for the people of this town to remember what Marvard has done for all of us by visiting or giving him a call or a card. I would like to add my personal support to Sheriff Brown and his staff in his attempts to speak to an issue that didn't happen in the past year, and has not all of a sudden come about in the last month. The Monroe County Jail has been deteriorating and turning into a level of prison facility that one might expect to find somewhere south of the United States border. This has been because the County Commissioners have chosen not to provide the funds and support to the Sheriff's Department to correct that need and to provide the kind of facility that we need in this town.

Until the people of this town get behind gutsy, committed and real people like Sheriff Brown and provide him with the kind of support he needs in getting the budget, not only for the dollar support but also the community support, we are going to have a problem there. Bill Brown did not make that jail fall apart, he is trying to get people to try to help him get it back together. He deserves our support. I would like to thank Councilmember Richardson for bringing up this issue in our meeting tonight.

Councilmember Kinzer: There isn't that much left to be said, but I would like to add my support to what Councilmember Richardson has said regarding Sheriff Brown's efforts with the jail. I can't really add too much more to what has already been said.

Councilmember Towell: Last week I was ill and did not attend the meeting and was given an onion. A neighbor called and explained it, and still there was nothing said in the paper to correct the facts, no interest in truth. I think it is ridiculous, it indicates the kind of ignorance and terrible regime we have been under for many years in this community.

Councilpresident Blume: I would like to support Councilmember Richardson in what he has said concerning Bill Brown. I can add something about him which he did earlier that went unrecognized. He turned money back when he found he really didn't need that much for a particular purpose. I know this does not go popular, it puts you on a lot of people's list by starting a new precedent, but I would like to thank him for that also. Also, there will be a special meeting next Wednesday to approve a Black & Veatch contract for the South Sewage Treatment Plant. Also, one of our Councilmembers is to be married tomorrow, Doctor Tom Middleton, and I wish him well.

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

APPROPRIATION
ORDINANCE 76-18
\$13,194 from Cumulative
Capital to Parks & Rec.

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

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

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

Councilmember Richardson then gave the committee report from Public Safety/Policy & Legislative Oversight, noting a Do Pass recommendation.

Bill Wilson, Director of Parks and Recreation, then explained how there was a stress beam missing in the pool. He noted that when they built the pool, the backing was probably strong enough to hold it, but the ground has settled.

Councilmember Olcott noted that Steve Richardson spent many hours negotiating the final adjustment, which ran much higher in the earlier stages of negotiations.

Councilmember Kinzer said she is concerned about the number of times the Council has been asked to appropriate additional unexpected funds. She said these things should have been anticipated.

Appropriation Ordinance 76-18 was then adopted by a ROLL CALL VOIE of Ayes: 7, Nays: 1. Nay: Councilmember Kinzer.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-57 by title only.

ORDINANCE 76-57
Budget Transfer
Bicentennial, Police

Clerk Dolnick then read Ordinance 76-57 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-57.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-57.

Councilmember Richardson then gave the committee report from Public Safety/Policy & Legislative Oversight. He noted a Do Pass recommendation on the Police Department section, and amended the Bicentennial Commission transfer to \$406.50. He moved to divide the question and Councilmember Kinzer seconded the motion.

The Police Department section of Ordinance 76-57 was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

* Leo Burke then explained the Bicentennial Commission section of Ordinance 76-57. He noted that the definition of "prizes" is different than they had first understood. The Commission understood "prizes" meant awards, but it turned out that it was for court damages.

Councilmember Richardson noted that the amount needed under line 37, Other Supplies, does not add up to \$500.

Julie Lundin of the Bicentennial Commission explained that the Commission had promised the Chamber of Commerce that they would pay half of the prizes for the Freedom Festival, which they co-sponsored, in the amount of \$200. They also needed to pay half of the transportation costs to have the bands travel several hundred miles to be in the Freedom Festival Parade, which came to \$156.50, for a total bill from the Chamber of Commerce of \$356.50. In addition, funds will be needed for a match for the local government grant, which will be a conference scheduled in December. The Commission will need funds for graphics for the conference in the amount of \$90, plus film at \$20. Funds will also be needed for Seminary Park. In answer to a question from Councilmember De St. Croix regarding how much money was generated by the festival, she explained that the Commission sponsored portions of the festival of a non-commercial nature, and did not receive any funds through them.

Councilmember Richardson moved and Councilmember Kinzer seconded a motion to amend the amount to \$406.50, which is the amount owed to the Chamber for the festival and for transportation.

* Councilmember De St. Croix moved and Councilmember Middleton seconded a motion to adopt the Bicentennial section of Ordinance 76-57.

The amendment to reduce the transferred amount from \$500 to \$406.50 was then adopted by a ROLL CALL VOTE of Ayes: 5, Nays: 3. Nays: Councilmembers Towell, De St. Croix and Blume.

Councilmember De St. Croix moved and Councilmember moved and Councilmember Middleton seconded a motion to adopt Ordinance 76-57 as amended.

Ordinance 76-57 was then adopted by a ROLL CALL VOTE of Ayes: 5, Nays: 3. Nays: Councilmembers De St. Croix, Olcott and Richardson.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Resolution 76-34 in entirety.

RESOLUTION 76-34
Temporary Loan to
Parks and Rec. from
Cumulative Capital

Clerk Dolnick then read Resolution 76-34 in entirety.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Resolution 76-34.

Councilpresident Blume then read the legislative synopsis for Resolution 76-34.

Councilmember Richardson then gave the committee report from Public Safety/Policy & Legislative Oversight, noting a Do Pass recommendation.

Resolution 76-34 was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-59 by title only.

ORDINANCE 76-59
Salary Ordinance for
Police & Fire Depart-
ments

Clerk Dolnick then read Ordinance 76-59 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-59.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-59.

Councilmember Richardson then gave the committee report from Public Safety/Policy & Legislative Oversight, noting a Do Pass recommendation.

Councilmember Towell noted this is a very important ordinance that is a reflection of the City's personnel policy. He added that the Council is not living up to its responsibilities if they don't do something about what they accept in the Yarger Plan and what they don't as long as it continues to be used as justification for anything.

There was then general discussion regarding police and fire pension funds and how the costs of the pension funds have been rising at a tremendous rate, and are a large financial burden on the cities.

Ordinance 76-59 was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-58 by title only.

ORDINANCE 76-58
Petition for Organi-
zation of a Regional
Solid Waste District

Clerk Dolnick then read Ordinance 76-58 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-58.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-58.

Councilmember Kinzer then gave the committee report from Utilities/Public Facilities, noting a Do Pass recommendation.

Councilmember Middleton then explained the cooperative approach between the city and the county (through Warren Henegar, President of the County Council), that was used to write the petition. He noted that a lot of time and effort in man hours was used in drafting the petition.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to amend the petition in Ord. 76-58 to add under Section 5, Board of Trustees, to add in a,b,c,d, and e, that all members shall be residents of Monroe County, and under a and b, that those members be residents of the city.

The amendment was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Ordinance 76-58 was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-43 by title only.

ORDINANCE 76-43
To Charge Fees for
False Alarms and Alarm
Systems Terminating in
the Police Department

Clerk Dolnick then read Ordinance 76-43 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-43.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-43.

Councilmember Richardson then gave the committee report from Public Safety/Policy & Legislative Oversight, noting a Do Pass recommendation. He explained that the \$75 fee received considerable discussion, and noted that it was decided that the \$75 fee was a reasonable one considering the services provided by police and fire.

Councilmember De St. Croix moved Ordinance 76-43 be amended under Section 2, that the fee for false alarms be raised to \$100 for each false alarm over three. Councilmember Kinzer seconded the motion.

Carl Chambers then noted the great expense in responding to false alarms, adding that they usually respond to at least 88 per month. He explained that they no longer escort funerals with police cars as they once did and so these policemen are freed up for more important duties. He said he believed the \$100 fee may be too high.

Councilmember Morrison then asked what type of system is used, electrical interruption, sonic system, sound system, etc.?

Carl Chambers answered there are different systems, and are all cleared with their specialist at the police department. He added that the system was obtained when he wrote a federal grant which enabled them to install it.

There was then general discussion about what type of system is being used and the monitoring process and fees. Councilmember Morrison recommended that businesses be charged a monitoring fee rather than a false alarm fee; Councilpresident Blume agreed. Councilmember Morrison also suggested that the alarm system be taken out of the Police Department and make the private companies set up their own monitoring systems.

David Goodman, a local businessman, noted that the \$100 fee as suggested by Councilmember De St. Croix would be punitive. He said the national average for false alarms is 99.4%. He said according to the police department, a false alarm is defined as the non-apprehension of a felon at the premise.

The Council then took a fifteen minute break.

Councilpresident Blume then called for Petitions & Communications.

PETITIONS & COMMUNI-
CATIONS

Councilmember Richardson then moved the Council appoint Mr. Joseph Butcher and reappointment of Sheri Sheridan to the Animal Control Commission. Councilmember Middleton seconded the motion. He noted they are both city residents and that there is still one vacancy for Council appointment to the Commission. Unanimous consent of the Council.

Appointment of
Sheri Sheridan,
Joseph Butcher to the
Animal Control Comm.

David Goodman then continued discussion of Ordinance 76-43. He went through the various type of available systems. He said the more complicated the system, the higher degree of falibility. He continued that water, motion, fire and smoke alarms must also be considered, since the alarm problem is not just burglar alarms.

Councilmember De St. Croix noted that the idea is not to punish businesses, but to defray the cost to the rest of the community incurred through false alarms, many through faulty systems.

David Goodman commented that it is not fair to have a non-elected body, the Board of Public Safety, which can dictate whether a businesses' alarm is faulty. He also said the definition of what is a false alarm could be tricky. He used the example of a teller than pushes the alarm when she is afraid she is being robbed. He said businesses are willing to pay for the monitoring, but are bothered by having to pay for false alarms. He added that the alarm companies should be licensed to take care of the problem of faulty systems.

Councilmember Richardson then moved and Councilmember Middleton seconded a motion to table Ordinance 76-43.

Ordinance 76-43 was then tabled by a ROLL CALL VOTE of Ayes: 6, Nays: 2. Nays: Councilmembers Kinzer and De St. Croix.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-55 by title only. ORDINANCE 76-55
Traffic Amendments

Clerk Dolnick then read Ordinance 76-55 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-55.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-55.

Councilmember Morrison then gave the committee report from Planning/Community Development. He suggested that Ordinance 76-55 be amended as follows: delete Section 1. With this amendment, the committee recommended Do Pass.

Councilmember De St. Croix moved that Section 1 of Ordinance 76-55 be deleted, and that Section 3 also be deleted, and renumber the sections accordingly. Councilmember Towell seconded the motion.

Councilmember Middleton moved and Councilmember Morrison seconded a motion for a divided question on Ordinance 76-55.

Councilmember Kinzer remarked that an amendment cannot be divided. Councilmember De St. Croix concurred. Councilmember De St. Croix then withdrew his motion.

Councilmember Kinzer moved and Councilmember Richardson seconded a motion to delete only Section 1.

Section 1 was then deleted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

Councilmember De St. Croix moved and Councilmember Towell seconded a motion to delete Section 3. Councilmember De St. Croix then explained his motion, noting that the section

would remove about 25 parking spaces on E. Seventh Street. He said the City is making a tradeoff with I.U. of no parking in exchange for non-motorized traffic on East Seventh Street. He noted that there is already inadequate parking facilities in the area, and this section would exacerbate the problem. He questioned whether it would actually be safer for bicyclist with no parking on E. Seventh Street.

There was then general discussion regarding I.U. parking and I.U.'s responsibility to the community and to their employees.

Councilmember Richardson noted that I.U. and the City need to work more closely on these type of things, such as parking, transportation, etc. He added that parking has not been reduced, noting that green and orange spaces (30 total), were removed from the Von Lee lot and moved to the law school lot where 34 were added. He continued that the parking problem will never be solved, as there is never enough parking. He said it is time the Council had concern for those who do not drive cars. Speaking as a bicyclist, he said by removing parking on East Seventh Street, it has greatly improved the situation for bicyclists on that street.

Marie Harlan responded to Councilmember De St. Croix by saying that the 2000 and 2100 block of Seventh Street do not have much parking, but that the reason for that was to accommodate emergency vehicles, which had a difficult time in getting down the street. She explained the parking situation in Green Acres, noting that they had one complaint from a resident on Seventh and Bryan, but that his parking needs were taken care of.

Councilmember Middleton commented that he is sympathetic to the people with parking problems, and that he would do as much as possible to increase off-street parking. He noted that businesses downtown consider the parking problem, and that I.U. should also make provisions for adequate parking. He concluded that there is a serious safety hazard on Seventh Street if parking is allowed there, the danger of pedestrians darting out from between cars is considerable, and for this reason he would vote to remove the parking.

Carol Wampler denied that it would be safer for bicyclists. She said bicyclists do not stop at stop signs, and showed a tape that illustrated that only one out of ten bicyclists do stop. Councilmember De St. Croix agreed, noting that it is only an illusion of safety for bicyclists. Marie Harlan then explained that the bike thru-way has nothing to do with this ordinance, noting that the Council will not be receiving ordinances designating some streets as bike routes, rather they will be asked to remove parking on the route. She added that in the winter, it would be easier to have one route, the snow could be removed from the shoulders as well as the street itself.

Councilmember De St. Croix asked Marie Harlan if it wasn't true that the edge of Jordan was painted for a bike path but it was removed when it was decided that it did not contribute to bike safety and only caused traffic problems?

Marie Harlan answered that the Traffic Commission at that time recommended that Jordan not be used for the path since it was so dangerous. She said on Seventh there will be no painted lines but more width to the street. She said the Bicycle Committee are the ones that initiated the no parking idea on E. Seventh Street, and the Engineering Department worked with them.

Dennis Orion, I.U. faculty member, commented that whether bikes stop or not is not the question. He said the problem is not non-communication of the law, they know they have to stop and that they have to obey the same laws as cars.

He said they do it because they get away with it. He added that it is much safer to remove the parking, as bicyclists can then stay further to the right side of the road. He said he sympathizes with the employees who need to find parking places, but that this is one of the first steps toward reducing automobile traffic.

Max Magnabosco, I.U. grad student then addressed himself to Councilmember De St. Croix's remarks about bike paths. He said there were three types, separate facilities, painted lanes and finally, a roadway with no distinction between the road and the bike path (which he noted is the most economical and practical for traffic). He said statistics in Europe show that most bike accidents are due to too narrow a roadway and mostly occurred in an overtaking situation. He said this was reduced when a separate lane was used. He noted that the intersection problems increased dramatically because this is where cars and bikes had to mix. He added in America the problem is not the narrow roads but the intersection problem. He said in California, the roads are widened to 15 feet in each direction, to allow bikes to integrate at the intersection.

Kay Organ, Bike Study Committee member, noted that she feels much safer riding her bike down E. Seventh Street with no parking, since she knows that in order to pass her they will not have to go over the center line. She said she often gets stuck behind I.U. busses, and thinks its safer if she can pass the bus on the left without going over the center line. She said it can't be done with only 22', but with 30' it can be.

Councilmember Kinzer remarked she agreed with Kay Organ, noting that it is time we gave more than lip service to the idea of encouraging bicycle riders. She said she has personally refrained from riding bikes because of the danger of a narrow street.

The amendment to delete Section 3 of Ordinance 76-56 was then defeated by a ROLL CALL VOTE of Ayes: 2, Nays: 6. Nays: Councilmembers Morrison, Kinzer, Middleton, Olcott, Richardson and Blume.

Councilmember De St. Croix moved and Councilmember Towell seconded a motion to adopt Ordinance 76-55 as amended.

Councilmember Kinzer then questioned section 4, noting that seven stop signs on Allendale may be too many. She withdrew her motion when she saw the stop signs would not be on Allendale but on the streets running into Allendale.

Councilmember Middleton moved and Councilmember Kinzer seconded a motion to amend section 4 to read: On College Avenue at First Street, noting that First Street has tremendous traffic and needs to have a stop sign. He then moved that the First Street at College Avenue stop sign be removed for further consideration.

Amendment adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0.

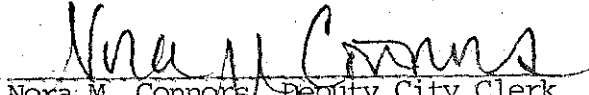
Ordinance 76-55 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 1. Nay: Councilmember Towell.

ROLL CALL TO ADJOURN: AYES: 7, NAYS: 1 - RICHARDSON
The meeting was then adjourned at 11:10 p.m.

APPROVE:

ATTEST:


Clem J. Blume, President
Bloomington Common Council


Nora M. Connors, Deputy City Clerk