

In the Common Council Chamber of the Municipal City Building, held on Thursday, July 3, 1975, with Councilpresident De St. Croix, presiding.

REGULAR SESSION
COMMON COUNCIL

Present: James Ackerman, Richard Behen, Flo Davis, Sherwin Mizell, Jack Morrison, Al Towell, Brian De St. Croix and Charlotte Zietlow.

ROLL CALL

Absent: Wayne Fix

There were about 30 others present, including members of the press.

City Officials present: James Regester, Corporate Counsel; Stu Reller, Planning Department; Jim Wray, Director, Transportation; Marvard Clark, Engineering; Larry Owens, City Attorney; Chief Carl Chambers, Chief of Police; Frank McCloskey, Mayor; Jan Worley, Deputy City Clerk.

CITY OFFICIALS PRESENT

Councilpresident De. St. Croix: Councilmembers Fix and Ackerman will be joining us later. They are out of town and they are on their way back. This evening we will be guided through our meeting with the assistance of the Deputy City Clerk, Jan Worley, since Karel Dolnick will be on vacation. On tonight's agenda we will be discussing at second reading, or at first reading in the case of resolutions, Ordinance 75-32 on heating devices, Ordinance 75-4 on the same subject of heating devices. This is a result of meetings that delegations from the city had with the Administrative Building Council in Indianapolis. Appropriation Ordinance 75-5, this is to appropriate funds for a space need utilization study. Ordinance 75-28 on licensing and regulation of the city's franchise and licensing on taxicabs, Ordinance 75-36, a zoning amendment, Resolution 75-19, a Zoning Amendment, Ordinance 75-34 regarding the Telecommunications Council. Petitions and Communications will be some time between nine and nine thirty P.M. and the floor will be open to those members of the community who would like to petition the Council. And the reports from city departments, boards, and commissions, we will be hearing part two of that thriller serial, the Transportation Department annual report. And tonight at first reading we will be hearing Ordinance 75-37 which is a Zoning Amendment. Do we have messages from the Council members? Perhaps we could start tonight at this end of the Council table.

AGENDA SUMMATION

Councilman Morrison: I have an order tonight. I would like to announce that West Fifth Street will be paved and blacktopped. The railroad section at Fifth and Morton Street will be razed and improved. And I am assuming

at that time that the state will turn West Fifth Street over to the city.

Councilman Mizell: Yes, I'd like to take the opportunity this evening to compliment the Bloomington Fire Department. You may have read about the fire on Smith Road last weekend. By chance I happened by and was there to see the Fire Department in action, and they really had a hot fire to contend with. It was a duplex which was in the stage of construction where it was completely opened except for a lot of wood being in place, and I can think of nothing else that would burn as quickly as fresh wood with no windows to stop the air movement and so on. In fact, it got so hot at some times that the adjacent buildings were really in danger. But the people from Engine Number Seven which responded, came up with Engine Nine backing it up, got it in control within about four or five minutes after they got there and really did what I thought was a fine job and saved what they could of the structure plus keeping any of the additional adjacent buildings from being burned themselves, and I thought they did a fine job.

Councilwoman Zietlow: Once again I want to reiterate that the plans for the International Women's Year Month, which will be extended from the end of September until the end of October, are being well underway; and people who are interested are encouraged to notify the Council Office. We've got four weeks planned. I think that it is something that might be of interest to women and men in the community, the position of women as a historical force, creative force, economic force, and political force are the four topics. We need people who are willing to head those projects or subprojects of those weeks. We have an application into the Indiana Commission of Humanities and are hopeful that we will get funded. Another thing is that the union negotiations go on. As Chairman of the Economic Development Employment Committee of the Council, I am very hopeful that the city will reach favorable negotiations with the union in the near future and that we will continue to pursue that very avidly.

Councilman Ackerman: For the Community Resources Committee, two items. One, we met about two weeks ago with a subcommittee of the Bicentennial Commission. It was informally agreed upon to expand the number of the members of the Commission whereby the Mayor and the Council would each have two new appointments each. We are ready to make one recommendation to the Council, and we hope to have two more recommendations to make soon. Mrs. Judy Ellis has had to withdraw her membership. We'd like to propose Ms. Mary Alice Gray as a member of the Bicentennial Commission as a Council appointment to the Bicentennial Commission.

President De. St. Croix: Do we have a motion for Council's support of that appointment?

Councilman Towell: I so move.

Councilwoman Davis: I'll second the motion.

The motion was adopted by unanimous voice vote.

Councilman Behen: Is there anything about one person being on more than one Commission or Board? There's no hang-up there?

Councilman Ackerman: I don't think there is any legal problem on that. We felt that it was important to get the input from people with interest in planning, and she expressed an interest in serving on the Bicentennial Commission.

Councilman Behen: I just wanted to make sure there wasn't any legal problem with having a person who might be on another Board or Commission on a second one.

President De. St. Croix: I think we've seen it happen before but ...

Councilwoman Zietlow: Yes, I have a question for Community Resources if we are finished with that appointment. It is about the Farmers Market or the Community Market or whatever it's called.

President De St. Croix: Can we first make sure that we have solved Councilman Behen's question?

Councilman Behen: I'd like to hear the Legal Department's representative on that.

President De St. Croix: Does the Legal Department have any information that would point out a conflict between a person serving on two commissions in the city, one of which is not paid.

Councilman Mizell: It happens all the time.

Mr. Register: There is no conflict at all, particularly when one is noncompensatory.

President De St. Croix: Further discussion on the question. All right then, the Council then approves the recommendation of the Community Resources Committee of the Council in the appointment of Mary Alice Gray to the Bicentennial Commission.

Councilwoman Zietlow: Mr. Ackerman ...

Councilman Ackerman: As far as the Farmers Market is concerned, there will be a public hearing I believe in this room one week from tonight at seven thirty concerning a location, or the possibility of conducting a Farmers Market here in Bloomington. Various sites in the downtown area are now being considered, and we are trying to get input, especially from merchants who might be affected by whatever parking problems that would occur. We want to work things out as well as we can, yet we want to move as quickly as we can so that the produce would be saleable. So, we want to get the market very quickly.

Councilwoman Zietlow: I would say that the response I've gotten from downtown merchants that I have spoken to has been very positive. It's a matter of locating. Now I've spoken to more than two. And there has been a favorable response that we have to rotate the marketplace.

Councilman Ackerman: One further report. There was a meeting in the Mayor's Office about a week and a half ago with representative of the Girl's Club who were seeking support from the city for the advancement of their program.

Many many agencies of the community are increasingly seeking out City support and I think it's going to be increasingly difficult. By the way, at that meeting there were two members of the County Council, and I just am not sure that it's the role of city government to support all needy agencies. So, we involved in that discussion members of the United Fund, urging the United Fund to give equal support to the Girl's Club that they do the Boy's Club, to the Girl Scouts that they do to the Boy Scouts, and to reconsider their basic policy. The basic policy of the United Fund is not to fund any new agencies until they have made their goal of their fund raising drive. Since they have not made their goal for the past three years, no new agencies have been funded. So, we were urging them to make a new policy which would have them assess the service of the agencies which they are currently funding to make sure that there is not a duplication, to make sure that each of the agencies currently being funded are doing an adequate job. I would like to have this matter further investigated by the Council. I also noticed that the United Fund Board met last week and voted again to reaffirm its earlier policy. I'd like to continue to investigate that and perhaps formulate a Resolution concerning support or lack of support for United Fund drive this year.

President De St. Croix: Thank you. I'd like to express my support for that concept. It seems that equity in funding programs for both young men and young women is appropriate and continuing agencies merely because they have been funded in the past does not allow us to maintain flexibility of changing needs and problems in the community. For those of you in the audience who ... I believe we haven't done this before. The Council has a new Attorney and Administrator, Mr. John Komoroske, the gentleman on the end of the table over there. I just thought I'd introduce him this evening. Next item on the agenda is message from the Mayor. Do we have a message?

MESSAGE FROM THE MAYOR

Mayor Francis X. McCloskey: First of all I'd like to dispell a rather rampant rumor that's going around the City Administration in general that the sole republican member of the City Council never gets credit for any efforts in city government. I would like to say that Councilman Morrision is a dedicated and able public servant who on occasion does do good things. We all do know the efforts he has taken on, is making and has made in the west end of the City and all the other city concerns we have. Thank you Jack.

Councilman Morrison: Thank you Mr. Mayor.

Mayor Francis X. McCloskey: I'd like to briefly plug the \$15,000 request for a City County Building and a Space Needs Study. As everyone knows this has been investigated and endorsed by the League of Women Voters. I've talked about it in some detail over the last six months and with all these space needs, space problems, and complexities of allocation that we are facing right now in City and County government, I think this is a very important step regardless as to how we can carry out that. I notice that two people typing on one typewriter at the same time makes for a very horrible copy and uptight nerves and that sort of thing. We need a very good scientific and professional analysis of this. I'd also note that in a recent meeting with county officials such as Joe Hanna and John Irvine, the climate looks good. They say they are very receptive to the county making a donation toward that study. I think all and all that it's something to move along very very soon. As everybody knows, any exact location for such a building has not been picked. There are varying possibilities as to how that will come out, I do not know. There should be a City-County Building Authority authorized. Also as to City Space Needs and City Space Developments, the Board of Works I believe today authorized up to \$35,000 in cumulative capital for the renovation of the old library. I think this is a very important step. We had some informal estimates done, and the

price ranges should fit well within that amount. I would hope that in the long and the short run, this could be a community center of sorts where we would have art exhibits, historical society purposes and offices, until there is a City-County building, such as various of our commissions. There has been some pressure going about the community to donate the building to the particular use of one society, and that is the Historical Society. I think at this time it would be a very short-sighted and narrow use of a very important public facility. I do hope that it will be a community art, civic, and meeting place rather than a more functionally oriented community building such as a county court, about which there has been some talk in the last several days. In any case, the old library is standing and I hope it will stand indefinitely. I'd like to also go on record as saying I think that the city management negotiator has done a very good job negotiating with the union. I think talks are at a temporary impasse. Our last offer was very very reasonable. I do have severe qualms about filling in the cost of living inflationary escalator index at this time with all the uncertainties we have in our national and local economy, but I think our offer is generous. I'm hopeful that progress and meetings will resume again. Also, again in favor of motherhood, apple pie and getting people together, I'm hopeful that within the next two weeks we will have a City Market. I think quite frankly that the Park Board could have taken a more positive and definite interest in the project than they have evidenced so far. I think that with the help of the Council and Community Resources Committee, the various meetings probably in the next two or three weeks will result in a City Market with tomatoes, beans, etc. I think that Mr. Ackerman's remarks are very well taken about the Girl's Club and the United Fund situation. I would go on record as favoring a City nonparticipation in any fund drive that I think exhibits discrimination so

blatently in this day and age. I would also like to say that Councilman De St. Croix and myself are going to have a pleasant break in Boston over the next three days starting Saturday. We're going to the National Conference of Mayors. It should be a very informative and delightful conference. On the way back, we will be stopping in Washington to talk with officials of the National Railroad Administration, Senator Hartke's office and the Senate Congress Committee about the possibility of really doing something about the West-side railroad track situation. I am very hopeful that with some of the help we've had in the last five months from Senator Hartke's office, that we will have positive developments on that soon. So, I hope to see you very soon. Thank you very much.

President De St. Croix: Thank you Mayor McCloskey. The first item is Ordinance 75-32. Do we have a motion?

LEGISLATION FOR DISCUSSION/
VOTE (Resolutions & Ordinance
2nd Reading)

Councilman Morrison: I move that Ordinance 75-32 be introduced and read by the Clerk by title only.

Ordinance 75-32 Heating Devices

Councilman Behen: Second.

Deputy Clerk Worley read Ordinance 75-32 by title only.

Councilman Morrison: I move that Ordinance 75-32 be adopted.

Councilman Behen: Second.

President De St. Croix: It's been moved and seconded Ordinance 75-32 be adopted. Is there discussion? Could we please have the report from the Council Committee. Councilman Towell is Chairman of the Planning and Community Development Committee of the Council.

Councilman Towell: We have had this Ordinance for quite some time. A number of steps have had to be gone through including going to the state for permission to have an Ordinance of this type. Through the course of the discussion and process including the public hearing, the Ordinance has been changed. Frankly, the Committee liked the older version which provided for a separate enclosure for these spark providing devices. We

don't think it's any more costly than the present version. But, if we are to have an Ordinance at all, we have to go along with the state. At the time of our discussion, we were not clear on what the agreement with the state was but we are now urging the passage of 75-32 and the tabling of 75-4, the older version of the Ordinance.

President De St. Croix: Thank you. Perhaps Mr. Lawrence Walcott could come forward and speak to this issue. Mr. Walcott is a member of the Bloomington community whom I think is a prime example of what citizens can do. Mr. Walcott's family narrowly escaped a fire in their home about a year ago not quite because of this kind of problem. Larry got on the problem, brought it to our attention, helped spearhead a drive of convincing the state that we ought to adopt this kind of control, and the state has agreed to hold hearings on it and bill this into the State Administrative Building Council Code.

Mr Walcott speaks from the floor: There is no one person that has done this. As you know, there has been an awful lot of people in the City of Bloomington who have been interested in the Fire Code, and a lot of people have done some fine work. Al Towell points out that his committee met on several occasions. There were some people who built homes who came down and had some major concerns, worked on this with us and left enthusiastically supporting this ordinance. There was compromise. There was decision concerning when this ordinance ought to go into effect; and as you will note, ought not to go into effect as some people said. Right away because we have to let the builders and the prices and the government regulations catch up (I'm talking about federal regulations) with the federal ordinance so that builders can recruit the small additional cost that it will take to build homes this way. A number of us worked on this for a long time and finally it reached this Council and we discussed it shortly. After that it had to receive approval from the state, and we did go to the

state ABC, and not only did they approve it, but they commended us for bringing it to their attention and in fact, have since changed the regulations or at least are trying to change the regulations on the state level to match the same regulations that Bloomington will have. The regulation essentially says that it is unsafe to put appliances that have sparks and flames, etc. in a place where gasoline is normally stored. But it is safer to put them in there if you put the appliances eighteen inches higher than the ground level of the garage, and that's exactly what Bloomington is now proposing, based on all this work. We are really delighted. The Fire Department and the builders have supported this. The subcommittees of the Council have supported this and a number of private citizens have supported this. So I personally would urge you to pass the Ordinance and thank you for the support you have given to date for this. If there are any questions, I'd be glad to answer them later.

President De St. Croix: Discussion from other members of the Council.

Councilman Morrison: I would like to make a public statement here. As you know, I represent the majority of the older part of the city. A lot of the people I represent are very much concerned about this. I would just like to say at this time that the Ordinance that I had did not read like this. There has been a section inserted that will relieve most of the older homes on the side on replacement. I'd also like to read this section if I might. I think it would clear up a lot of questions that would be asked later. It says that section shall not apply to devices presently in operation or to replacements thereof. So I think this pretty well clears up the difficulty out on the West-side.

President De St. Croix: So you are proposing this as an amendment.

Councilman Morrison: No, it's part of the Ordinance.

Councilwoman Zietlow: May I ask the committee, I thought that the question of replacements thereof was a matter of

concern for the safety of the buildings that were already built. How will the committee resolve this?

Councilman Towell: That's covered in my statement about what the agreement with the state was.

Councilwoman Zietlow: The agreement with the state was that replacements would not be covered.

Councilman Towell: That's right. If you look at my report, you will find that the comment was made before we found out about the agreement with the state.

Councilwoman Zietlow: That means that houses that are built now will not be required to abide by this Ordinance and will also be exposed to hazards that led to the fire at Mr. Walcott's house. Is that correct?

Councilman Towell: No, that is not. The houses that are built now.

Councilwoman Zietlow: I mean that have been built already. That's what I mean.

Councilman Towell: However, that may change in the future.

Councilman Mizell: I think a good many of us share your concern, Charlotte.

Councilwoman Zietlow: That have been built now.

Councilman Mizell: That have been built, right. Those who are currently living in homes that have been built in the past.

Councilwoman Zietlow: Thank you.

Councilman Mizell: But it boiled down to the question of being allowed to have an Ordinance which covered construction which is proposed for the future or not. And as it has happened on many occasions, we can only do what the state will allow us to do. This is another chapter in that ongoing book.

Councilwoman Zietlow: I think we could issue a warning to those people who are living in houses who have this danger built into them that they could have a fire under the circumstances that Mr. Walcoff did.

Councilman Mizell: I personally would recommend that if we do pass this Ordinance, or if we don't, that they do in fact construct an eighteen inch elevation that they can place these devices on.

Councilman Towell: Or even better and probably not any more expensive, is to enclose such devices in an enclosure with firewalls, which is not expensive. Just a half inch of dry-wall, and have an opening to the outside rather than to the house.

Councilman Mizell: We are now into a commercial for 75-4.

Councilman Towell: But people who are making replacements are making their own decision about this. We have to make the decision according to the powers and the commissions that we receive.

Councilwoman Zietlow: A free will possibility.

President De St. Croix: I attended the last hearing of the ABC with Mr. Walcott, former Council Aid, and two representatives of the City Fire Department and Fire Inspectors. And I think that what we have accomplished here, is we have gotten the state to agree to take a small step forward from the position where they were at before, and sometimes the wheels of government turn slowly. Perhaps we have gotten a little momentum going. Some day they will begin to realize that a separate enclosure is better than eighteen inches and we can get it done.

Mr. Walcott: There is a problem here. It is very difficult to ask persons who have built homes in a particular way to rebuild those homes, and we agreed as we worked on this that the most important thing we could do would be to inform the public and inform the builders. No, we hope the press will take that into account as they listen here today. Another good thing came out of this and I'd like to share that with you. There is a Building Code Seminar held in the northern part of the state once a year at another university, or at least in the central part of the state. As a result of the meetings, as a result of the discussion, there has been agreement that a similar code seminar should be held in Bloomington, Indiana. This code seminar would be for building inspectors, for contractors, for fire inspectors, real estate

people, City officials, County officials, other government agencies and other interested parties. This is tentatively scheduled with the state taking care of all of the costs for personnel and sharing of information, materials, and the like. The City hopefully will act as the host. So that these kinds of regulations and these kinds of safety protections, also the hazards that surround them, will be made better known to the builders, the contractors, and the general public. It's all part of the campaign. So, I think we're going to have to just compromise a little bit, accept the things we can do now, and maybe at another point we can get those protection walls and the rest.

Councilman Mizell: Did you mention the date when the conference will be?

Mr. Walcott: It's not been set, but the correspondence has taken place between the Common Council's legal representative and the state.

Councilman Ackerman: I was just wondering if in your research, Larry, or in the communication you made with the insurance company, if they are aware of this as a really nationwide problem, and if they will reward people who do make this kind of correction with better fire insurance policy.

Mr. Owens: (answer inaudible)

President De St. Croix: Further discussion from the Council? Deputy Clerk Worley, please call the roll. The question is on the adoption of Ordinance 75-32.

The Ordinance was passed by a vote of AYES: 8, NAYS: 0.

President De St. Croix: Next item on the agenda is Ordinance 75-4.

Ordinance 75-4 Heating Devices

Councilman Morrison: I move that Ordinance 75-4 ... oh, it's the same one. Mr. President, I move that we just table Ordinance 75-4.

Councilman Towell: Second. Indefinitely.

President De St. Croix: Indefinitely. It's been moved and seconded that Ordinance 75-4 be tabled indefinitely.

Councilman Morrison: Moved that Appropriation 75-5 be read by title only. Seconded by Councilman Towell. Passed by unanimous voice vote of the Council.

Councilman Morrison: Moved that Appropriation Ordinance 75-5 be adopted. Seconded by Councilman Towell.

Councilpresident De St. Croix: It's been moved and seconded that Appropriation Ordinance 75-5 be adopted. Is there discussion? Councilman Behen is chairman of the Appropriations Committee of the Council.

Councilman Behen: And as you notice you do not have an Appropriation Committee report before you, and there is no indication by the fact that you don't have one before you that there isn't any enthusiasm for this Space Needs Study. The Committee was enthusiastic over it. The reason you don't have a report is that there were so many amounts thrown at us. I felt that it was necessary that we have some degree of discussion. My main concern is when you throw a specific amount out that the City can be vulnerable. To begin, the City can be charged the maximum of what is appropriated. And that's my hangup on the concern. I believe I have been cleared up pretty much since then by Councilman Towell's information that he fed to me that that would not be the case. That was the hangup we had at the time that if we advertised having made an appropriation for \$15,000, we might conceivably be obligated to a bid of up to that amount. I understand that this is not the case, and if you would want to explain it as you did to me.

Councilpresident De St. Croix: Can we hear the report from the Utilities/Public Facilities Committee? Councilwoman Davis is chairperson of that committee.

Councilwoman Davis: Well, this was sort of a very informal committee meeting. The committee supports the study before any commitment is made for a City-County Building. Furthermore, we feel the Council should have input into the contract, and then the information that we wish from the study. And if the study could be done for less, we would recommend this. However, we feel that the study should be done by a professional in that field.

Councilpresident De St. Croix: Thank you. Perhaps it might be appropriate if we also indicated we received the correspondence from the League of Women Voters on this subject. The League strongly supports the allocation. They go on and spell out their concerns about how that City-County pace needs to be carried out. I'd like to have this particular correspondence become part of the official record of the minutes of this meeting.

Councilman Towell: I was called on to make a comment. One company did come in and make an estimate below this price. I'm not going to mention them or their price. But there will be a bidding process, and qualified companies will participate in the bidding. Further, there is a good chance that we will have other sources of money for the study, and thereby this appropriation will not be used up. But other monies can be applied as well.

Councilwoman Zietlow: As a member of the Utilities/Public Facilities Committee, but also just generally, I would like to say that I think it's very important that we figure out what it is before we go into any purchase of property or anything like that. I think this issue is hard upon us and that we must proceed as fast as possible with this kind of a study. I think that money might be well spent now which might save us money in the very near future.

Councilman Mizell: I would simply like to say that I share the concerns that have been mentioned here. But also I would like to speak in favor of passing this Appropriation Ordinance, because I think that it would be foolish for us to go into any type of a program without first having studied the needs for the space so we know exactly what it is that we do need.

ROLL CALL VOTE: Passed unanimously by a vote of AYES: 8; NAYS: 0.

Councilman Morrison: I move that Ordinance 75-28 be introduced and read by the Deputy Clerk by title only.

Ordinance 75-28 Taxicab

Councilman Towell: Second.

President De St. Croix: Motion is defeated because of Councilwoman's misunderstanding.

Councilman Morrison: I move that Ordinance 75-28 be introduced and read by the Deputy Clerk in entirety.

Councilwoman Zietlow: Second.

Deputy Clerk Worley read Ordinance 75-28 in entirety.

Councilman Morrison: I move that Ordinance 75-28 be adopted.

Councilman Behen: Second.

Councilwoman Davis: You have a quite lengthy memo from Russ Bridenbaugh, Research Assistant, who has been working with the committee on this. In essence, we tried to do several things. One was to (I don't like this term) but to clean up the language or to make things more concise. Secondly, we have several amendments to offer expressly

on items number three, four and five, and six will sort of be incorporated into four with a new paragraph.

President De St. Croix: Is there a motion for amendment?

Councilwoman Davis: I move that item four, where it states, "the make model, factory number and state license number of the motor vehicle to be driven as a taxicab" be amended to state ...

President De St. Croix: Councilwoman Davis, excuse me, but it may be easier to read the whole new Ordinance since it is renumbered and laid out than to try and match them back and forth and have that as your amendment - I don't know.

Councilwoman Davis: I think everyone has it. It would be worked out.

Councilwoman Davis read Ordinance 75-28 in entirety.

President De St. Croix: Councilwoman Davis, is that your motion?

Councilwoman Davis: Yes.

Councilwoman Zietlow: Second.

President De St. Croix: It has been moved and seconded that the Ordinance be amended.

Councilman Towell: Point of order. I think we have to be careful here. Substitute motions are not allowed, and we have to realize that we are making a few corrections to an Ordinance that has already been introduced. I think that it's good that we've heard the entire new Ordinance in its entirety. On the other hand, I think it should be clear what we're doing. We're not changing the intent of the Ordinance, but making certain particular amendments to it within the purpose of that initial Ordinance.

President De St. Croix: Thank you Mr. Towell.

Councilwoman Davis: This started out to be a small amount of amendments and it got larger as the time went on. Would Council rather start and reintroduce this as a whole new amendment to the Ordinance or table it and start again?

Councilman Towell: I think that would be a matter of formality. If we know what we're doing and it's clear to all of us as we do it, I don't think it's required that we go through the formalities.

Councilman Ackerman: Well, it seems since we don't have one-third of the Ordinance that we are about to discuss and it will not be coming within the next five minutes, I would like to move that we table this Ordinance, Ordinance 75-28.

Councilman Towell: Second.

President De St. Croix: I'ts been moved and seconded that this motion be tabled. I think it's important to point out that there is a difference between tabling indefinitely and tabling. Now earlier this evening we tabled indefinitely Ordinance 75-4, which is essentially a burial of the motion. A tabling motion on itself merely places an Ordinance or Resolution aside until the Council wishes to remove it from the table for discussion. I believe that Councilman Ackerman has pointed out quite accurately that that we are missing a rather substantive portion of the Ordinance. Not having it before us, it may be appropriate to hold off consideration until we have it before us.

Councilman Ackerman: I move that Ordinance 75-28 be tabled temporarily.

Councilwoman Davis: Second.

Councilman Morrison: I move that Ordinance 75-36 be introduced and read by title only.

Ordinance 75-36 Zoning Amendment Richard Moody

Councilman Towell: Second.

Deputy Clerk Worley read Ordinance 75-36 by title only.

Councilman Morrison: I move that Ordinance 75-36 be adopted.

Councilman Towell: Second.

Councilman Towell: This is a problem. This is a property within the confines of the university campus at Seventh and Jordan Streets. It contains as I understand it, five units of housing at the present time. It is a multiple unit property then. No new use of the property is likely to result from the change if adopted. The idea seems to be to underpin the price the petitioner is asking from the university, the only interested party. The university is not opposing the petition. Also, we do not think this case can be used as a precedent for other changes from R.M. to R.H. since the property is next to the dorms at that location, this is not a problem of spot zoning.

President De St. Croix: The committee recommends passage?

Councilman Towell: Yes, we recommend passage.

President De St. Croix: Do we have a representative from the Planning Commission here to speak to the issue?

Mr. Reller speaks from the floor: I think the basic crux of this case has been covered reasonably well in the report that has been filed with this Council. The present zoning on the property is R.M., which is Moderate Density Residential classification designed for the anticipated conversion of existing homes into some form of a multi-family unit. The property is presently used as a boarding house or dormitory for women students. The applicant would be permitted five dwelling units or separate dwelling units in the R.M. classification. The shift to an R.H. classification would, based upon a lot size of approximately 17,000 square feet, permit seven dwelling units. The staff report and the workup in terms of looking at possible mistakes, the one factor is that the property was previously given an R.3 classification, and a conversion of an R.3 would logically go to an R.H. zone. As Mr. Towell pointed out, there is no precedent concerning spot zoning. In this particular case it is isolated by virtue of this being surrounded by University property; and the Planning Commission report and staff of the Planning Commission recommends approval of this request of Mr. Moody.

President De St. Croix: Is Mr. Moody or his representative present?

Discussion from Council. Mr. Moody not present.

Councilwoman Zietlow: Did we receive a packet on this? I don't recall that.

President De St. Croix: I believe we received one at first reading, did we not?

Councilman Mizell: You should have received one. One comment just to underline what Councilman Towell has said. Since this is in fact a piece of private property which is completely surrounded by the University, and in fact lies next to some of the University dorms, there is no concern about spot zoning. But what the committee wanted to emphasize

is that this is not to be a precedent for other changes from R.M. to an R.H. zone because there are additional pieces of R.M. property surrounding the University which do not share in the same circumstances that this particular piece does.

Councilwoman Zietlow: Councilman Mizell, could this have been construed as a thought originally that was just reflected as a use at that time?

Councilman Mizell: Well, it would probably be considered a mapping error because originally it was originally designated R.M. because in fact it was a single-home which was in the process of conversion. It was being used as a multiple dwelling. It did fit more accurately the R.M. zone. However, it could be just as proper to designate it R.H. because in fact, it has had the R.3 designation before.

Councilwoman Zietlow: I wonder if the petition was related to some change of use in the near future or if this is just simply a house-keeping amendment.

Councilman Mizell: As far as we can determine, it was a house-keeping thing.

Councilman Towell: I did say as the first sentence of my report that no new use is likely to result, and that is what we believe. The other point is that zoning should reflect the property use for each property, and not just existing use. I think that R.M. fits the existing use.

Councilman Morrison: I move that Ordinance 75-36 be adopted.

Councilman Towell: Second.

Ordinance 75-36 was passed by a ROLL CALL VOTE of AYES 8, NAYS 0.

Councilman Morrison: I move that Resolution 75-19 be introduced and read by the Clerk by title only.

Resolution 75-19 Zoning Amendment

Councilman Towell: Second.

Deputy Clerk read Resolution 75-19 by title only.

Councilman Towell: Well, this is a Resolution asking for approval of the tentative plans for another West Side Shopping Center. It is therefore a very important decision. The Planning Department says that the Council's decision about large commercials PUDS, (Plan Unit Developments) can be in Resolution form. Therefore, we might be in

danger of considering this from one evening. But, the Committee was of the decision that such decisions would not be made in one meeting without notice to the public. In addition, if we consider that the Council is in more need of information that would be available at this meeting. We asked the Planning Department to prepare a packet of information and to set up a site inspection and discussion for Friday morning, July 11. We should be able to go on with a decision on the seventeenth. So as Chairman of the Committee, I would move that we table this until the seventeenth of July.

Councilman Mizell: Second.

Resolution 75-19 was tabled until July 17 by unanimous voice vote.

Councilman Mizell: It might be helpful for the general public to have Mr. Reller identify the property, locate it specifically so that those interested parties might be able to review it themselves.

Councilman Towell: Could I add to that? If this kind of thing can come before us in a Resolution, I think we need some equivalent to a first reading that happens in our first meeting where it comes up. So this is it I suppose. But we do need to give notice to the public that we are likely to consider this.

President De St. Croix: We might ask the cooperation of the press in that matter too. This is a serious undertaking by the Council and I think the Council is trying to act responsibly on this issue.

Mr. Reller: This is a piece of property containing approximately eighty acres, located at the intersection of the Bypass and Whitehall Pike. It is located in the southwest quadrant of that intersection. The basic proposal is for the development of a regional shopping center of approximately 550,000 square feet accommodating ultimately perhaps up to sixty tenants. The construction of the Zoning Ordinance requires that the planned unit development of a commercial nature be exercised in order to appear before the Planning Commission, before the Planning Department, and of course, before the Common Council. The operation of the Zoning Ordinance with respect to planned unit developments requires a two-step process. First as outlined, planned approval which is concerning the basic design

of the sites and configuration of the building, the access points, the landscaping, the internal circulation of traffic and the design of parking lots. This has been accomplished over a number of years by the developers. They have appeared before the Planning Commission in public hearings and have received outlined approval from the Planning Commission. This is the first step in the process, that is, Planning Commission's approval and submission to the Council with a request for an amendment or actually a designation of a change to the zoning map to apply a park designation to this particular tract of land. The second step in the process is return on the part of the developer of a final development plan, basically engineering drawings, to implement and to carry out the outline plan, the preliminary plan that is before the Council for consideration now. We did distribute to the Council Office this afternoon packets of material with respect to a development itself. The proceedings before the Planning Commission, the Technical Advisory Committee and the Planning Department staff's review of this. We also placed on file in the Council Office a copy of the traffic studies prepared by the developer and the location evaluation prepared by the developer. Naturally, the department is available for the site inspection this Friday. A representative of the developer can certainly be there if the Council so wishes. The project is the second region-serving shopping mall that has been proposed for Bloomington and it is following the basic steps as the previous developer had followed, with the exception that the actual designation of the planned unit development following the Resolution, rather than an Ordinance. The procedures outlined in the Zoning Ordinance simply state a designation. It does not technically call for an amendment to the Ordinance, but rather an application of the planned unit development section which exists, a designation of the planned unit development to this particular piece of property. We are not creating a new zone with this but are simply applying an existing designation to a particular piece of property. This is why it appears in form.

Councilman Towell: Just briefly. We're planning to leave from the parking lot back here at eight thirty tomorrow. I suppose if the press would like to come, they are

welcome too.

Councilman Mizell: It may be technically correct to have this appear before the Council in the form of a Resolution, but I personally am concerned that the Council normally reacts to a Resolution by voting at that same meeting, and something which is as important to the community, and which requires considerable study by the Council should not be presented in the form of a Resolution. With the Council's concurrence, I would carry to the Planning Commission and the Planning Department the concern that I have for one and the advice that any future PUD be presented in the form of an Ordinance rather than a Resolution.

President De St. Croix: Is there Council concurrence with that request?

Unison: Yes.

Councilman Behen: Absolutely.

President De St. Croix: Is there opposition to the request? You have unanimous support of those Councilmembers present.

Councilman Behen: I was just going to address myself to Councilman Mizell's concerns which I share totally.

Councilwoman Zietlow: We have always gotten these in the form of an Ordinance in the past. What precipitated the change?

Councilman Towell: This is a first.

President De St. Croix: Perhaps Mr. Reller could answer that question.

Mr. Reller: Technically, an amendment to the Ordinance would be a change from what presently exists or the addition of something to the Ordinance that is not there now. The PUD designation of planned unit development exists in the Ordinance. It is what is termed in the jargon of a planner "a floating zone" in that it is not mapped. One applies for planned unit development designation which is applied to a particular piece of property. It anticipates large-scale development where the basic zoning pattern in terms of delineation of the seventeen zone appears as a map zone. This one does not appear anywhere on the map except upon application to the Plan Commission and to the Council for designation. So, we're not

technically amending the Ordinance. I presumed that the Resolution was the only effective vehicle by which to bring it to the Council.

President De St. Croix: Well, with all due respect to the planning staff and planning jargonees, although it may be a floating zone, the Council is asking that you float it in one meeting before we act on it.

Mr. Reller: I anticipate that we could amend the Ordinance during the process of review to clarify and specify in the planned unit section that it come by Ordinance rather than by some other floating vehicle.

President De St. Croix: I think that insures people not throwing any quick ones on us. Any more questions?

Councilman Ackerman: Just a question. If we did act on this in a Resolution form, would this ever come back to us?

Mr. Reller: The outline plan approval is the only time when the Council is formally required to take action. The second step, that is, development plan review, is done by the Plan Commission only and it is a process of checking to see that those development plans are in fact in accord with the outlined plan approval and facilitate the proper approval. You know that the landscaping is the way they propose that the internal circulation is in fact that same way. Engineering drawings are prepared and construction work can begin following final development. This is the only time that the Council is required technically to see this development.

Councilman Ackerman: Then I would concur with the requests that have been made.

President De St. Croix: To float on in here on the seventeenth, OK.

Councilman Morrison: I move that Ordinance 75-34 be introduced and read by the Clerk by title only.

Councilwoman Davis: Second.

Deputy Clerk Worley read Ordinance 75-34 by title only.

Councilwoman Davis: I move that we adopt Ordinance 75-34.

Councilman Morrison: Second.

Ordinance 75-34 Telecommunications

Councilwoman Davis: I would like to suggest that we table this Ordinance until the next Council meeting. It seems that several people involved were concerned or are on vacation at this time, and I would like to strongly suggest that we table the Ordinance.

President De St. Croix: The motion is to table until such time as the committee request that it be removed from the table. Is there a second?

Councilman Behen: Second.

Ordinance 75-34 was tabled by a unanimous voice vote.

President De St Croix: We are moving along at a very rapid pace this evening. We are ahead of the time for petitions and communications so perhaps we could return to them. The next item on the agenda is part two of that famous Bloomington serial, Transportation Department Annual Report. The star of that cast is Mr. James Ray.

Transportation Department
Annual Report (Part II)

Mr. James Wray speaks from the floor: Two weeks ago we went over the bus system and tonight I'd just like to go over the Street Department report for last year, what was accomplished, what we hope to have started for completion and continuation this year. Fortunately, one of the most important of our questions that had been submitted previously are questions that may have come up for your constituents. I'll be quite brief in outlining the objectives in the Street Department and what we attempted to do. I think last year, a resurfacing plan finally achieved a point after one year of concerted effort. Of course, in 1972 we didn't have too many funds for resurfacing, and 1973 and 1974 were quite good years. To this date, we have done about 450 blocks of resurfacing at an average cost of about \$1,200 a block. We feel at this time that we are able to begin a much more organized method of resurfacing, or at least planning it. Hopefully, the Board of Works will be meeting and setting priorities for 1976. In other words, after this year, all of the real obvious streets that were inventoried by the Engineering Department and Planning Department in the winter of 1972 and 1973 have been completed. It is time that we had more public hearings, more information on traffic counts, and another inventory of the streets that may have

deteriorated in the last few years so that we can pretty well establish which streets we will be doing come 1965. Of course, all that depends upon the funds that we do receive. We've been quite fortunate I think in being able to do some other projects such as the Dunkirk parking lot and we have been engaged in park and shop resurfacing and metering lots in order to help the downtown parking situation and hopefully help business or at least business potential in that area. We realize it's been a fairly good length of time but we have been able to do a number of projects in-house and I think saved a considerable amount of money. One of the other areas that we are engaged in and we have had problems with is leaf collection, which I think you will recall late last year. In the middle of last year, we came to you with a request for an appropriation for two machines to aid us in that project. In reviewing the Annual Report for 1973, and the daily reports that we receive, I notice that we didn't finish these sections until mid January of 1974 for the previous year. I think this year we were through before Thanksgiving. So, I think that's one area that we have improved in considerably. Part of it is through new equipment, part of it is through better personnel and probably a little bit more concerted supervision. Some of the other areas that are very routine and in fact go on pretty much on their own without large amounts of creativity are the signing. We do have our own sign shops. We can make our own signs. We do keep a complete inventory. I think the Council does have a copy of our inventory for every area. Any time you'd be interested in reviewing the original records that we do derive that from, I would like to say that the door is open for you or any other citizen who would like to come down. Under the signing program also is the paint-through, which I think is getting along very well. This year we are about completed with curbs and we'll be doing crosswalks. I know there are a number of questions on that. So hopefully, by the time school starts, all schools will have newly painted crosswalks and we would appreciate calls and complaints about signing or crosswalks. As far as snow control goes for 1974, we were pretty lucky. We didn't have too many snows, the cost was down, so we were able to do more resurfacing. The material for both programs came out of the same line item in many cases. So we feel quite fortunate in that

respect. The rest of the material on tree-farming is basically cost and figures of what we did with the MVH funds. I think revenue sharing was used exclusively for materials for resurfacing and for snow control plus \$10,000 in salaries. So we could do other projects such as parking which we legally can't spend MBH funds for, and parking meter fines, or revenue sharing or some other fund. So with that, I'd like to have some questions.

Councilwoman Davis: Could we start to talk about repair kinds of things? Do you have a schedule for repairing the streets or do we do it as they said they need it?

Mr. Wray: Well as I said, I think we are now getting to the place where a lot more input is needed. I think that you know for the last eight years or twelve years, the amount of researching done was minimal, and I don't think there was any shortage of streets. You know there was some judgement, a lot of it was done by request through this group, through the Board of Public Works. Some of them were done by our Department based on inventory that we requested. We started spending large sums from more independent sources, in other words, from Engineering and Planning. They didn't get all the phone calls, so it wasn't always the case of the squeaky wheel getting the grease. There was a considerable amount of planning. Actually, each street was inventoried by surface for substandard asphalt, concrete, or whatever.

Councilwoman Davis: Then along with that, what about the curbs and gutters? Are we going to do the curbs also at the same time?

Mr. Wray: Up to this time, we haven't, and this is one hope that I do have for 1965. That is that we can start shifting some of the funds that were used strictly for resurfacing to doing considerably more concrete work in curbs. In fact, I met with the state highway today, and I think you are aware they are trying to get back to Walnut and College and East Tenth Streets, so on and so on. They informed us in no uncertain terms that their maintenance has always been from face of the curb to face of the curb. So curbs are our problem. But I think we will get an agreement where they will buy the material if we furnish the labor. Hopefully on a good many curbs, there will be some activity very soon.

Councilwoman Davis: This is a very layman kind of question ...

Councilman Towell: Can I get in before the topic changes? I understand from one of our discussions about the budget that the Board of Works is instituting a new policy where if they neighborhoods would get together and buy materials for curbs, that the Street Department will provide the labor. Is that correct?

Mr. Wray: I was going to bring that up. It's even more specific. If any individual would like the curbs or sidewalks in front of their home repaired, and they are willing to purchase materials from a supplier, the Street Department will use that purchase order, pick the materials up, and repair the curb or sidewalk in front of their home as time permits which is the catch in that. For instance, this week and next week, we are in Dyer correcting the curb problems up there. They have been in the works for over a year now. And then we have a little street to open up next week, and you know with picking up rush paving and one thing or another, there is just a limit to what we can do. But we are taking requests and trying to get back to the people within a very few days, less than a week as to when we think we can do the work for them, weather permitting. There are so many uncertainties in it that we can't give a definite time. But hopefully, this fall we will be able to do it more and more.

Councilman Towell: I still would like to continue one more step. Do you have an estimate of the cost per foot so people would know?

Mr. Wray: On materials I really don't. A lot of it would depend on the condition of it. Sometimes we have to hammer it out. That's our problem. Sometimes the curb is already completely gone and we can go over that and get an adequate tie with the existing face. Now that Engineering Department does, or has in the past, taken bids on curbs per foot, but that isn't applicable. We would have to get a separate rate on the property. The property is about \$114 per cubic yard.

Councilman Towell: Then the process is that you tell the person how much it is, and then you go to the supplier and get the concrete, so that it's a matter of supplying the money for that.

Mr. Wray: It's up to the supplier to approve the individual's credit. A purchase order is then made out. They have to make their arrangements

with the supplier and then we pick up the denoted amount of concrete to do the job.

Councilman Towell: There is quite a bit of interest in my district on this point

Councilman Mizell: Some of the areas of the city were built without curbs; and in fact, the surface of the road may be in fairly decent shape, but it is falling apart from the edge of the shoulder towards the center. Is there any program currently available which would allow this to be repaired? How does this fit into your priorities?

Mr. Wray: Right now, very low for one reason. There are some details that haven't been worked out. When we put curbs on the side of the road we have to re-engineer the flow of the water when it rains. In other words, we're trapping water on one side or the other of the curb. In some cases, it would require additional right-of-way, or it would require installation of underground storm sewer systems. And in each one of the cases as with the question of sidewalks, it requires a separate engineering study.

Councilman Mizell: What about the area of the road adjacent to the shoulder not constructing any curbs, but at least repairing the road's surface?

Mr. Wray: O.K., that's done. Drainage problems are done as frequently as possible. We try to do at least one a day but that has to be negotiated with property owners because a lot of times when you sit down with the individual and find out that you're either going to have to lower it on one end or the other or it'd fill in, and they just don't want the mess. They decide the water is not as bad as the mess that would be created. So each drainage problem is handled on a one-to-one basis. We give as many alternatives as we can to solve it, and we have to look at the cost. You know we can put catch basins a lot of places and run it to the other side of the street, but the cost is prohibitive. So I'm not trying to beat around the bush, I'm just saying that water problems aren't easy to solve. The solutions can be very different. It's not as easy as just filling up the side or lowering one side to the property owners especially.

Councilman Mizell: I recognize that. I was also concerned about the edge of the street where it

actually abutts the shoulder. Not considering any of the drainage problems but simply the surface of the road.

Mr. Wray: Where the shoulder has just eroded. We came up with minimal problems, we could raise the area up with crushed stone or in some cases we use asphalt to raise the low point. We've done that two places downtown. For instance, where water stands, and we can just run it out with asphalt where the curb's high enough, or if we don't effect the drainage on the other side. The only other way which we've been told is not too delightful to many people as far as appearance goes, is to set the paver very low and just do a skin patch on the side of the street where it's breaking up. This increases its structural strength but it does look a little unstylish. The ride is smooth but the property owners aren't that happy with it. We are doing that. Maxwell Lane has had that done. I think there are several streets in town where the rock is starting to erode up from under it, and we are in the process of building those up as we go.

Councilman Mizell: Do you have any plans for this type of resurfacing?

Mr. Wray: This would fall into the overall hearing process. In other words, when we get a statement from the Engineering Department, or we notice that one of the streets they've marked as inferior has this problem, then we try to take corrective measures before we resurface, building the shoulder up. Then it's put on a leveling course and then the final course of resurfacing. So to this point, yes we look at it, we just don't go and put two inches of asphalt on where it's not necessary. In the future, the number of blocks we can do depends on the expense we have in preparing the street. So as the hearings go along and we get requests from the various groups as to which streets need the most resurfacing in another street inventory, that will limit how many blocks we can do. We're talking to Leo Hickman tomorrow before he goes on vacation to try to get that started and at least see how the board feels about it.

Councilman Towell: We mentioned it to him when he came before us too.

President De St. Croix: I think that we are about ready to take a five-minute recess while the camera crews get their tapes together. The meeting of the Common Council please return to order. We'll start with Petitions and Communications. Do we have any from the floor? I'm really disappointed. I was supposed to be given an award tonight from the Doorhangers Association and I heard rumor of it.

Councilwoman Zietlow: I have a communication from Abraham Lincoln, who is going to appear tomorrow at eleven o'clock, on television. And I'd hate for us to miss that opportunity.

Patricia Higgins speaks from the floor: We have a special award for Council President Brian C. De St. Croix, from the Doorhanger Association. It's also a job security award for his outstanding conduct in banging into the Council door on the outside and fracturing his hand, which is now in a cast.

President De St. Croix: Thank you. The door is the one outside there. From time to time, people who view this program have seen me indulge in some of my moments of anger. I'd like to lay blame for that on my parents, who are of respectively French and Irish extraction. And that makes for a combination of serious temper I guess. But, I did lose my temper and I did punch that door and yes, I did break my hand. I have reaffirmed the advantages of openhanded diplomacy. And I will attempt to follow that in the future. Let us return to the Council roast and Mr. Wray. We're back at streets.

Councilwoman Davis: Alright, since we've been talking about repairing streets and how we do it and when we do it, is there any way we can eliminate the dips at hills like on First and Walnut?

Mr. Wray: The only way we could do it would be with patch basins and storm sewers. It's a waterway. And if we raise them, the water will stand on both sides of them without a catch basin going into storm sewers.

President De St. Croix: Including the really neat one at First Street there where you cross 47, there is no way we could do that?

Mr. Wray: Yes, you could do it if you want to put a catch basin in and a storm sewer and run it

to the Jordan River.

President De St. Croix: Can't you just put a little pipe there and pave over it? It's deep enough.

Mr. Wray: It will probably just stop up. It would have to be a pretty good-sized pipe.

President De St. Croix: It would have to be a pretty high car pretty soon if it goes any more.

Councilwoman Davis: While we are talking about repair and construction, we have had the Sidewalk Committee priorities ...

Councilman Mizell: Couldn't we stay on streets for a minute?

Councilwoman Davis: O.K., we'll go back to the streets, yes.

Councilman Mizell: Yes, I had a couple of questions dealing with state streets. What sort of powers do we have to communicate with the state in a way that they will understand the problems and rectify them? Along East Third Street after they did a beautiful job of resurfacing, there has been some additional construction along the way which has resulted in some dips in the street. These have been patched a couple of times. I'm speaking specifically in front of K-Mart, where if you run over it you can break an axle sometimes. Seriously, there are a couple spots where they have, in order to hook up water service, gone in and torn up the street and gone back and patched, and the patches are sinking. Is that the City's responsibility, or does the state have to do it?

Mr. Wray: I'm afraid it is. It's the City's responsibility.

Councilman Mizell: Would you send a crew out there quick?

Mr. Wray: I sure will.

President De St. Croix: In terms of communicating with the state on some of those state roads, if I may borrow a statement from Councilman Ackerman, it may take a two-lap war between the eyes.

Councilwoman Davis: Councilman Morrison. You said Ackerman.

President De St. Croix: Oh, I'm sorry. I got confused. This is my right hand, Councilman Morrison.

Councilman Morrison: I see the French still didn't know anything about the Indians generally.

Councilman Towell: I'm very happy to hear all these statements about hearings and public procedures and so on for priorities on what will be paved or repaved and what will be repaired. My interpretation is that we fell away from that after our first year in office and that this needs to be restored. That's why in the budget working session, I brought this up very strongly. And I'd like to mention that I am taking this quite seriously. We've been in the habit of voting in just a block of money for repaving and not going into priorities or how they will be decided. And I for one will not vote for such an appropriation if there isn't another system instituted, which you are already saying will be. So I am very pleased by that.

Councilman Mizell: Another question about the state and its jurisdiction. Also on East Third Street, when the road was going in, the widening of it, we noticed that they were building in bicycle traps along the side, and the City has compensated for that in their section. Is there any way that we can do anything about those bicycle traps in the state area?

Mr. Wray: Yes, we've contacted them formally and we will continue to contact them informally. Next Thursday morning, we're going over a number of streets in town. I will be with the state people in charge of maintenance or signalization or whatever. We plan on bringing that up to him. We are in the process now of going through and correcting our grades and it's pretty encouraging. We've made a formal request that they in fact change the specifications in urban areas. They are quite dangerous. It is only a matter of time before there is another very serious suit over it, extremely serious injuries.

Councilman Mizell: But can we have any assurance from them that certainly within our jurisdiction they will change these types of manholes and catch basin covers.

Mr. Wray: I can't speak for them. I hope that we could have and we're certainly going to ask for it at every level we know how formally and informally to see if they won't do it. If they won't, we'll see if they'll let us do it.

Councilman Mizell: Fine. We would like to encourage the use of bicycles in the community. That's a hazard that they have to contend with right now.

Mr. Wray: I think that it kind of took us by surprise. There is a number of those grates with the openings running horizontal to the traffic flow. Even at Crestmont, Dyer Hill Addition, we're going to have to go through and change all of those. We are in the process of doing it in-house. I think in the future the Engineering Department and others need to check those specifications. We certainly will on College Avenue extension when it gets ready to go and we just won't except it with those kind of grates on it.

Councilwoman Zietlow: I have a question about the need for repairing the streets. Is there another way of repairing the streets other than to put the asphalt on the street and leave it, you know with little pebbles?

Mr. Wray: Not to increase strength, that I'm familiar with. The number of coatings are great. You know slurry seals is used by a few communities in Indiana. But all that does is put on a new wear course, a new driving surface but no increase in strength. So what it amounts to, if the pavement is breaking up from under us in about two weeks, it's going to be breaking up through the slurry seal. It's in some cases for short periods of time advantageous. There's an increase in traction. In other words, it adds a new course where the pavement has become slick in rain or something.

Councilwoman Zietlow: I'm thinking of chuckholes and so forth. Frequently, we see people come and dump those little pebbles with the asphalt covering into those chuckholes and leave it. Then it rains, and they all wash away. Is there a way to assure that they will stay there?

Mr. Wray: O.K., if you're talking about that, yes, we're trying to do a better job and go a little bit slower. And from the middle of March to the first of April we can do a much better job during the winter, when we have a lot of problems there is not inadequate material and it will stay in. The only thing available is coldpatch, which is cold asphalt. But, it just doesn't work. The comments that we've received in

the Engineering Department are that the crews are doing a better job. That's again another source.

Councilwoman Zietlow: Does packing the stuff down help?

Mr. Wray: Yes, it helps.

President De St. Croix: Is it possible that we could do it more slowly so as not to leave about twenty or thirty pounds of loose asphalt in the area around there? That all comes up and sticks to the sides and what not of your car. That's really tough to get off.

Mr. Wray: I understand that. Well, we're taking a little bit more time and do it right so we don't have to do it again.

Councilwoman Davis: Is there a street cleaning schedule? And along with that we'd like to know about night street cleaning. I know there is a problem with eliminating cars when you clean the streets and posting no parking.

Mr. Wray: When the workload permits, we try to have all three sweepers running at the same time during the day. We also at least once or twice a week try to sweep the downtown area after two or three o'clock in the morning. In other words, they come on at eleven o'clock and work until six-thirty or seven in the morning. So we do a fairly good job of sweeping downtown during the night. Now some of the problems that originate are the grates are so low. Some of the trash will sit in those. A few years ago, Bloomington had a man who went down and cleaned those by hand, which is really about the only way to do it. During the day, with all the sweepers going, we just try to revolve around the subdivision when the cars aren't parked in the streets or aren't home as much. When the students are in town, we try to sweep in the University area where there is a considerable parking problem during the day. So, we do try to coordinate as best we can to cover all areas. We're having a considerable amount of success compared to a couple of years ago when all our equipment was ten or twelve years old.

President De St. Croix: Is it conceivable that we could have streets posted, the main street, that we clean frequently or are being cleaned on a certain night of the week, or that there is no

parking there after a certain time like I've seen in some other cities?

Mr. Wray: I think we could, but I don't know if Bloomington's big enough, if that would be widely accepted yet. I think that the paramount importance is being able to park where you want, when you want to. And I think if we start posting, we would get more flack than we do now.

President De St. Croix: Even in the downtown section, say between three and five a.m. or something?

Mr. Wray: We may be able to do it there between three and six or something. The first time we said we were going to do it, we didn't because of a breakdown of equipment or something. I think we could do that.

President De St. Croix: Any other questions?

Councilman Mizell: The street cleaners seem to work pretty well as long as they follow the line of the street and turn the corner. Occasionally, they'll go across the street and then cross again coming on the other side of the intersection. You end up with a pile of debris in the center. Is there any way you can handle that?

Mr. Wray: They will just have to go back over it.

Councilman Mizell: Are they instructed to go back and insure that the intersection is clean?

Mr. Wray: Yes, in fact, in the early spring right after the winter, we run them in tandem in an effort to cover the entire street so we get the worst of the salt and sand debris from the winter picked up. And then we send them out on their own. It's a minor inconvenience that's there. Here again, internally, right or wrong, we have chosen to take on other projects such as resurfacing and subconcrete work and one thing or another. Again, eight years ago, there were many people out there with brooms on trucks literally getting out and cleaning that up by hand. It's a process that we may have to go back to sometime.

Councilman Mizell: I think particularly in the spring when you have a lot of salt and sand that you have to get rid of. Another thing that's bothered me from time to time is on cul de sac here evidently the radius of turn of the street sweeper is not the same as the radius of the cul de sac. And you end up with incomplete cleaning along the curb plus a lot of debris left in the center of the cul de sac.

Mr. Wray: If you get complaints like that, we really would like to know about it. Once again, some of the sweeping is done at night. Sometimes they just don't pay attention. If we get a call we can get them back out there.

Councilman Towell: I'd like to register what may be a minority opinion. I haven't any survey that this is widespread, but a number of people have said to me that they think we do too much salting and sanding in the winter, and that this is expensive and need not be done. They would prefer that we not be so efficient at cleaning up snow. Now I think that this may be a minority opinion, but I can give you afterward some names of people if you'd like to talk to them and see what they are talking about.

Mr. Wray: Well, a few months ago, I appeared before the Environmental Commission to look at this problem and I think there were some things learned. The point is we're going to cut down our ratio of salt to sand this year for environmental reasons primarily. Two years ago, I floated up this idea publicly. And I will assure you, based on phone calls, it was definitely a minority opinion. I think the Environmental Commission is going to put quantitative values on the environmental concerns. We've asked them to take samples to see if the toxic point for plants has been reached, or for streams. Rick has taken some samples of the runoff to see how much it is, how long it lasts. For the safety element and personal preference, there are studies that go either way, it saves life and property, or it causes many problems.

Councilman Towell: The people I've talked to were not connected with the Environmental Commission.

Mr. Wray: I understand. I'm just saying those hearings are going on and there are people

voice that opinion, no further pickup again.

President De St. Croix: No further questions?

Councilwoman Davis: We just have some basic questions about sidewalks. Could you just briefly tell us about priorities and costs in the sidewalk construction, who is doing them, whether we're contracting now, what's happening there, and the maintenance of sidewalks.

Mr. Wray: Yes, I would like most of those questions to be directed to the Engineering Department because the Sidewalk Task Force was reactivated this spring and headed by the Engineering Department. The sidewalks had been built by contract in the last couple of years a small number of them have been built in-house with our own people. As far as maintenance goes, it is the property owner's responsibility by local ordinance. I think the Sidewalk Task Force Chairman can give you information you may need on the type of streets or if you want to go that far, just what constitutes a poorly repaired sidewalk in a legal sense. And here again, we'd like to help if we have the work force. If CETA stays on until next spring, it's my hope that we can get early next year to a number of sidewalks. So if people want to buy the material, we'll furnish the labor. That program will be done with the Street Department.

Councilwoman Davis: Thank you very much!

President De St. Croix: Next item on the agenda is introduction of Ordinances at First Reading.

Introduction of Ordinances
First Reading

Councilman Morrison: I move that Ordinance 75-37 be introduced and read by the Clerk by title only.

Ordinance 75-37 Zoning Amendment

Councilman Behen: Second.

Deputy Clerk Worley read Ordinance 75-37 by title only.

President De St. Croix: Could we have a brief explanation of that, Stu?

Mr. Reller speaks from the floor: Yes, this is a request filed by Mr. Lawrence Hudson. The request is to change the zone classification from R.L. that's residential low density maximum ten per acre, to a B.A. or business arterial

classification for property located on West Third or Whitehall Pike. You should have received a copy of the location map but basically it's located west of the intersection of Curry and Whitehall, south side of the road east of the Imperial Gas Station, and west of the Dairy Queen that's also located on the south side. The Planning Commission voted to recommend approval of this request to the Council. The property is, right now, a proposed site for a Long John Silver Restaurant. The applicant applied for a building permit and we revealed that there was discovery that an R.L. zone was made. And we indicated to him that he would have to file for a rezoning.

President De St. Croix: Do we have a motion to remove from the table?

Councilwoman Davis: I would like to move that we remove Ordinance 75-28 from the table.

Ordinance 75-28 Taxicab

Councilman Mizell: Second. Passed.

President De St. Croix: It's been moved and seconded that Ordinance 75-28 be removed from the table.

Councilman Towell: The people who were here from the Commission didn't stay.

Councilwoman Davis: This is on the taxicab.

Councilman Towell: I'm sorry.

President De St. Croix: Ordinance 75-28 is removed from the table. The last action on 75-28 was a motion to amend as read. It was seconded. We are therefore dealing with Ordinance 75-28 as amended. In order to have further discussion, we need to have a motion for adoption.

Councilwoman Davis: I move that we adopt Ordinance 75-28 as amended.

President De St. Croix: Excuse me. There was no vote on that motion to amend. We tabled it before the vote. So that is not the correct motion.

Councilwoman Zietlow: Mr. Reller has not left but I want to be assured that we are going to get more information about that rezoning.

President De St. Croix: Mr. Komoroske.

Councilman Towell: The one that is just at first hearing? Well, we're planning to have a committee hearing on an evening when the public can come and will be informed. And we will see that you get packets or whatever else you may need.

President De St. Croix: Thank you, Mr. Towell. That will be very helpful. The motion then before the Council is the motion that was first moved by Councilwoman Davis, and seconded. We have a mover and a seconder.

Councilman Towell: I'm sure this is a change. I think it is anyway. So should I bring it up, a problem with it now?

President De St. Croix: We're voting on whether or not to amend at this point. Is it assigned to the motion on amendment?

Councilman Towell: I think so.

President De St. Croix: Please do. Mr. Towell is Parliamentarian.

Councilman Towell: The section four, part four of section one, the third paragraph, "if the City of Bloomington in conjunction with the Common Council determines", now I'm wondering what does that mean?

Councilman Ackerman: I have the same question.

Councilman Towell: How does the City of Bloomington make a decision if not through the Common Council and the Mayor's approval or disapproval?

President De St. Croix: Mr. Bridenbaugh, would you please respond to the question.

Mr. Russ Bridenbaugh speaks from the floor: It was my understanding from the committee meetings that this statement in conjunction with Common Council infers that it would be made by the Council and the Mayor's office.

Councilwoman Zietlow: The City of Bloomington is the Mayor?

Councilman Towell: By the Mayor's office.

Mr. Bridenbaugh: In conjunction with the Common Council.

Councilman Towell: Is that a regular kind of process like coming for a vote here and then for approval by the Mayor? Or

is this more informal?

Mr. Bridenbaugh: Well, it does not specify the procedure. But I assume that it would be informal the way it reads at this point.

Councilman Towell: In ordinary decisions that we make, we need six votes including the Mayor or without the Mayor. And does this mean that we all have to agree, or is that not the case? You see I'm just having difficulty in knowing just what it means.

Councilman Ackerman: I'd like to raise a related problem to that. Is it customary for the City of Bloomington to determine how many cabs we need or how many barber shops we need? Do we set quotas for allocation of our facilities?

Mr. Bridenbaugh: It is a part of the present code that the city determines, or the Common Council issues licenses for cabs.

President De St. Croix: That is the factor determination as to the number.

Councilman Ackerman: We issue them to those who apply, don't we?

Mr. Bridenbaugh: Yes.

Councilman Ackerman: I never sat in on a meeting where we sat down and figured out we needed fifty-four cabs.

President De St. Croix: Well, if I might briefly interject here. I believe the Council in the past three-and-a-half years has discussed on maybe three occasions now the need to look into what we were doing and why we were doing it in relation to the granting of licenses or franchises for the operation of public transportation. And it would seem that in order to meet that responsibility in a rather conscientious manner, that one would consider whether or not we need a cab. B., if we did need cabs, how many, and C., whether or not the introduction of further cabs to the community would imperil the economic existence of any cab licenses currently held. And I believe that's a question that Mr. McNeely raised. Does the Council wish to address that question? I imagine the Council does have within its ability the opportunity to indiscriminately grant cab licenses until it's absolutely economically unfeasible for anybody to operate a cab. Mr. McNeely was concerned about that. I think that's what we're trying to address.

Mr. Bridenbaugh: I'd like to point out that in the present code there are several significant gaps in it at this time. And that is what this was intended to overcome. For instance, another gap was that there was a provision for issuing licenses but no provision for renewal of licenses.

Councilman Ackerman: I'm sympathetic for some of the changes that are trying to be made in this Ordinance. But I see the function of the City is to protect the people, make sure that the cabs are adequately insured, to make sure that they pass certain inspection. But I must say that this is just to me an unwarranted meddling with free enterprise. I don't think it's up to the City to determine how many cabs. I think that's for competition to be determined.

President De St. Croix: Did not this same Council determine whether or not to grant an additional franchise for cable television? That was based on whether or not it was realistic for this Council to allow an additional franchise. I'm not certain that the difference is that significant.

Councilman Ackerman: I don't think that if we say we need fifty it will be ultimately determined not by the Council, but by somebody who sees a market in Bloomington whether additional cabs will be put in. I don't think there is anything that we can do in City government to encourage or inhibit it.

President De St. Croix: Is it not conceivable that by just granting no licenses, we could guarantee that there are no cabs?

Councilman Ackerman: So long as they meet safety standards and they are insured, I think we've gone to the limit of our responsibility.

President De St. Croix: I see the question of our responsibility differently.

Councilwoman Davis: To answer a couple of questions. It's in there so that the Common Council will definitely have input. Secondly, to follow up with what Council President De St. Croix said, that is if everyone came to apply and we said, O.K., you may have a license and we had fifteen companies in town and they all went bankrupt, then we'd have none. And that's part of our fault too.

Councilwoman Zietlow: I would suggest that in addition to the question that Councilman Ackerman has raised, there is a question of the wording here. "The City of Bloomington in conjunction with the Common Council". I think it may be a matter of language again because perhaps what we want to say is if anybody was going to make a decision, the City of Bloomington includes the Common Council, and the Mayor, and the people, right? It's not an entity in itself. It works together with the Council.

Councilman Towell: How about if the City of Bloomington, through its legislative process determines?

Councilwoman Davis: O.K., I would accept that.

President De St. Croix: Would that be accepted as a friendly amendment by the mover and the seconder. The motion on the floor is the adoption of the amendment?

Councilman Mizell and Councilwoman Davis accepted the amendment as a friendly amendment.

Councilman Morrison: I happened to sit in on this committee meeting. I only remember about twenty words being changed. And then we wind up with three full pages which is about 500 to 1,000. Where did we pick all these words up, Russ? I only remember changing about twenty words of this original Ordinance.

Councilman Ackerman: Maybe it would have been better to underline the words, the sentences rather than type the whole thing.

Councilwoman Zietlow: Could we have Mr. Bridenbaugh, who has drawn up most of the amendments, report on this?

President De St. Croix: Mr. Bridenbaugh, would you please explain this?

Mr. Bridenbaugh: I'm not clear as to what you want explained.

Councilwoman Zietlow: The amendments. We've got the full Ordinance.

Mr. Bridenbaugh: I prepared for you a memo that states basically what the import of all the amendments are.

Councilman Behen: Well, why can't he just answer what Mr. Morrison asked him if that's what the question is. There were twenty words that Councilman Morrison remembers and now there are about a thousand.

Councilman Morrison: I can only remember about twenty words to my knowledge. Now I'm certain that I don't remember or I didn't have the time to sit down and listen to about a thousand words. And unless my memory doesn't serve me very well, I have the word changing of the Ordinance at home and I just happened to look at it before I left to come down here to the Common Council meeting.

President De St. Croix: I believe that I know that I offered some additional amendments because I couldn't attend the meetings, Councilwoman Davis asked for some additional amendments.

Mr. Bridenbaugh: This first section dealing with business licensing and applications, we went through that.

Councilman Morrison: That was discussed between that and the City Council.

Mr. Bridenbaugh: And subsequent to that, the other amendments were added.

Councilman Morrison: Oh, they were added after the committee meeting then. I didn't know that we still had secret meetings.

President De St. Croix: I don't think that this was included in the meeting.

Councilman Morrison: Not at the committee meeting that we were at. And that process on amendment can be accepted or rejected.

Councilpresident De St. Croix: Further motions for amendment. We can go three deep as we have done before. The Ordinance can be defeated, it can be accepted. Options are open.

Councilwoman Davis: I think when we met that day, Jack, we talked about the insurance. We wanted to make it clear. And we talked about the fact that Mr. McNeely complies with more insurance than we have asked him in the previous Ordinances. He complies with the state requirement which is ten-fifteen-three. Is that right?

Mr. McNeely: Ten-fifteen-thirty. However, we have more than that.

Councilwoman Davis: And you have some additional. But the state requirements ... Councilman Behen

expressed to me some concern too about insurance. So I think that in section four, Russ was just trying to put things in order. And it got wordier than what we talked about that day.

President De St. Croix: I also requested as a member of the Council, that he go back over the minutes of the previous meetings where we discussed this problem when we had issued the license on a temporary basis. And we had brought that up in the previous year to make sure that we covered all the areas that were expressed as areas of concern to Council members.

Councilwoman Zietlow: I think it's important in considering this amendment, to point out what in this is amendment and what is original. I think that we've got a composite of reports and requests and amendments here. We should not reslight the committee's consideration. I think that's the sort of thing that Councilman Morrison is speaking to on that. To this point I was asking Mr. Bridenbaugh to outline the amendments so that we know exactly which amendments are amendments.

President De St. Croix: Because there is some concern as to whether or not this, although Councilman Towell did point out that the substance is the same essentially the same intent as the first one. Would it be more appropriate to expand the agenda, introduce the amended Ordinance at First Reading tonight, assign it to committee for committee's consideration before it's brought back to the floor of the Council so that committee might work on it in greater detail?

Councilwoman Zietlow: I think it needs breaking down mostly and more detail.

President De St. Croix: I'm offering that so that I feel that the committee may feel that it's process has been violated and I wouldn't like to see that happen.

Councilwoman Davis: Could I ask a question of Mr. McNeely? Because of our laborious workings, I would not like to impose any business problem on you. Is there a need for us to pass this Ordinance tonight or do something about the Ordinance? Could we delay it?

Mr. McNeely: Well, I've got so much competition. Everybody thinks that the only cab company in Bloomington doesn't have any competition. We've got a half million bucks going next year into competition.

That money is already set aside by the City of Bloomington for buses, another two or three-hundred thousand to the University. And here we stand saying, we're the only cab company and we have no competition. We've got the gas companies, which are raising the gas prices every day. He's one of our greatest competitors. And also with all the buses and the whole business, we're loaded down with competition. So we need this passed. As originally was on the First Reading, as we understand it, because of this other thing, I only got it yesterday and I don't understand half of it. And the other things are so simple. Whereas, it just puts it in plain English, the first one does. And I think that we sent a letter to your committee. I don't know whether we got it or not but we sent it to the members of the Utilities Public Facilities with the understanding that we would help in any way that we could in this field. I mean this was since May 12 of 1975, when this was brought up. Now this is important to us because we can't come up here and say well, we need \$75,000 to buy a new taxicab with. We can't do that because the fact of it is, we've got to go to the banker and say lookie here, we've got to put it on the line to get the guy. And if we don't have this cooperation from the city, then bingo, we're going to be stuck with a bunch of old taxicabs.

Councilman Behen: I would urge Council to follow President De St. Croix's recommendation that this does go back to committee. I find some discrepancies here particularly in section one, paragraph three. And I would like to know how the Council is going to put into effect an economic impact statement. I would also like to know if there are going to be committees formed for a feasibility study and all these things. These amendments make all of these things too terribly confusing to me to even consider voting on it tonight. And I urge you to vote it back to committee. No, I'm not in disagreement with you, George. It's just the way this thing is written.

President De St. Croix: If you are referring to my recommendation that it would be possible to have it at first reading this evening and then if the committee can complete its work.

Councilman Ackerman: Then we'll end up amending on the floor. I'd rather see it cleaned up.

President De St. Croix: Do you want to see it come back to the committee cold?

Councilwoman Zietlow: Are you suggesting that we have a new numbered Ordinance called 75-28 as amended? I mean it may be 75-38 or whatever it is.

President De St. Croix: And expand the agenda, introduce it at First Reading, assign it to committee, and then if the committee can do its work by the next Council meeting or two Council meetings, then we're not guaranteeing at least two Council meetings at a minimum for Mr. McNeely.

Councilman Behen: I will make one.

President De St. Croix: There is one motion to amend. We can go another one deep. If the mover and the seconder can withdraw their motion, then we merely have the motion for adoption on the floor. Do we have the motions for amendment withdrawn?

Councilwoman Davis: Where are we?

President De St. Croix: You will withdraw your motion to amend. And Councilman Ackerman the seconder will withdraw his second. Then we will be back to the original Ordinance. If the Council chooses, we can table that one and we can reintroduce the amended Ordinance so that there is a new number under expanded agenda at First Reading, correct Mr. Towell?

Councilman Towell: I was going to after the discussion and confusion withdraw my liberal interpretation of the rules about substitute motions and I would not stand behind the process if we went ahead.

President De. St. Croix: Does the mover and seconder withdraw the amendment?

Councilwoman Davis and Councilman Mizell withdrew the amendment.

President De St. Croix: O.K. The motion on the floor is on the adoption of the original.

At this point, the tape recorder malfunctioned. The following is a summary taken from the secretary's notes.

Councilwoman Zietlow: I move that Ordinance 75-28 be tabled indefinitely.

Councilman Towell: Second.

Ordinance 75-28 was tabled indefinitely by a unanimous voice vote.

Councilwoman Zietlow: I move that the agenda be expanded to include 75-39, the Ordinance on taxicabs.

Ordinance 75-39 Taxicabs

Councilman Towell: Second.

The agenda was expanded to include Ordinance 75-39 by a unanimous voice vote.

Councilwoman Zietlow: I move that Ordinance 75-39 be read by the Clerk by title only.

Councilwoman Davis: Second.

Ordinance 75-39 was read by title only by Deputy Clerk Worley.

Councilpresident De St. Croix then introduced Councilman Behen, who has been performing Lincoln's second inaugural address at various Bicentennial celebrations. Councilpresident De St. Croix asked that this speech be read into the minutes by Councilman Behen.

Lincoln's second inaugural address - Councilman Behen

Councilman Behen: With malice toward none, with charity for all, with firmness in the right as God gives us the right, let us strive on to finish the work we are in, to bind up the nations' wounds, and to care for him who has born the battle, and for his widow and his orphan, to do all that may achieve and cherish a just and lasting peace among ourselves and with all nations.

The Council meeting was then adjourned at 9:58 p.m.

ADJOURNMENT

Attest: Nora M. Connors
Nora M. Connors
Deputy City Clerk

Approved: Brian C. De St. Croix
Brian C. De St. Croix, President
Bloomington Common Council

COMMITTEE REPORT SHEET

COMMITTEE NAME Utilities/Public Facilities
 ORDINANCE/RESOLUTION RSH Contract and Telecommunications Ord. 75-34
 (Name and Number)
 DATE SUBMITTED June 25, 1975
 PERSON OR DEPARTMENT ORIGINATING Flo Davis, Chairperson
 SUBJECT MATTER RSH Contract Settlement Ord. 75-34
 DATES OF COMMITTEE MEETINGS June 23, 1975
 DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

Initial discussion centered on the proposed USB contract settlement with RSH Associates. It was the consensus of the committee to support the findings of the USB. Councilmen were aware that final approval would be subject to Common Council vote.

Discussion then moved to Ordinance 75-34, Telecommunications amendments. A number of suggestions by Council President Brian De St. Croix were discussed. The major area of concern centered on the accountability of the Video Coordinator to the Common Council in some form for policy decisions.

COMMITTEE RECOMMENDATIONS:

A) That the Council support the findings and recommendations of the Utilities Service Board in the RSH matter.

B) That Ordinance 75-34, amending the Telecommunications Ordinance be passed including the following changes:

- 1) The seven (7) members of the Telecommunications Council be appointed for two (2) year staggered terms instead of four (4) year terms.
- 2) That the Video Coordinator be responsible to a three (3) member Board of Review, one person appointed from the Library, one from Cable TV and one from the Telecommunications Council, approved

MINORITY REPORT ATTACHED YES , NO ^{NOT APP} of Review shall have the authority to approve or disapprove all policy decisions of the Coordinator.

3) Common Council should make it clear to the Council that it expects strict reporting procedures of its activities.

SIGNATURES OF COMMITTEE MEMBERS

Flo Davis

CHAIRPERSON

Economic Development/Employment Committee Meeting, July 2, 1977
9:30 am.

Those attending: Charlotte Zietlow, Chairperson; Al Towell;
Russ Bridenbaugh, Council staff.

Business:

Contract Negotiations between the City and the Union
of City Employees:

A general discussion of the negotiations was begun by Chairperson Zietlow who also commented on an article on the subject appearing that morning in the IDS.

Councilman Towell then expressed his dismay that negotiators for the city had refused to discuss an cost of living escalator clause which evidently was holding up the negotiations. He felt that all serious proposals should be discussed by both sides. Charlotte Zietlow concurred.

Both Councilmembers were of the opinion that the Common Council would be willing to entertain a variety of proposals including an escalator clause.

The committee then concluded to find out if the contract could be negotiated for a period of 3 years rather than one.

There was then a general discussion of the terms of the contract negotiations.

Adjournment. 10:30 am.

Community Resources Committee Meeting, Tuesday, ~~XXXXXX~~
July 1st. 4:30 pm

Those attending: Jim Ackerman, Chairman; Flo Davis; Russ Bridenbaugh, Council Staff; Bill Finch, CETA Coordinator; Mary Jane Hall, Chairperson of the Women's Commission; Al Towell; and a CETA employee temporarily assigned to the Women's Commission.

Business:

1) Community Market Report: Russ Bridenbaugh of the Council Staff reported that there will be a public hearing July 10 at 7:30 in the Council Chambers on the Community Market idea. Michael Corbett will chair the meeting.

2) CETA Personnel and the Women's Commission: Bill Finch, CETA coordinator began a discussion of specific number of work hours for Human Resources CETA personnel.

Mary Jane Hall, chairperson of the Women's Commission expressed her point of view that the Commission was preparing a final proposal for a grant from the state for \$12,000 and she wanted assurances that a CETA person would work with the Women's Commission to follow through on the project once the money had been allocated. She wanted a commitment that the CETA worker would work full time on the project, more or less, till it was completed--October 20. She estimated that she would need the worker full time from August 15 thru October 20.

Flo Davis expressed the opinion that at no time was the Women's Commission ever promised full time CETA help and she stated categorically that there would not be a full time person assigned to the Women's Commission.

Mr. Finch then reiterated the Mayor's position that the policy was that CETA personnel do not belong to any specific commission.

After some further discussion, everyone restated their position and concluded that there was no problem. Mary Jane Hall agreed that the Women's Commission would not expect a full time CETA worker after the grant proposal work was finished on October 20, 1975.

Adjournment: 6:00 pm

Backup Ordinance 75-5

To: Common Council, Bloomington, Indiana
From: League of Women Voters of Bloomington-Monroe County
Subject: Pre-planning Study of City-County Facilities

The League of Women Voters of Bloomington-Monroe County strongly supports the allocation of funds toward a pre-planning study of city-county facilities. Such a study should, we feel, spell out the purposes and functions of local governments and determine present space requirements as well as future needs. We also urge that the study include consideration of at least the following six options regarding city-county facilities:

1. the consequences and/or benefits of making no change in facilities.
2. the consequences and/or benefits of minor space re-organization.
3. the consequences and/or benefits of major renovation of existing facilities and buildings.
4. the consequences and/or benefits of building new facilities to replace existing facilities.
5. the consequences and/or benefits of purchasing or leasing existing building(s) not currently used or owned by the city or county.
6. the consequences and/or benefits of building new facilities auxiliary to existing facilities.

When considering the consequences of the above six options, the study should also include information regarding the disposition of existing facilities if they were to be replaced; the assignment of adequate parking facilities and easy or improved access for the handicapped; the consideration of future needs for expansion and different usages; the assurance of public review both during and after completion of the study; the increased cooperation between city-county functions by placing similar offices adjacent to each other and a consideration of the historic value and/or community worth of current buildings.

We urge that the county join with the city in making a complete and comprehensive study of city-county facilities.

SECTION 2. That Section 4.24.050 of the Bloomington Municipal Code, entitled "Business License--Council Action--Fee," be amended to read as follows:

4.24.050 Business License--Council Action--Fee.
Upon the filing of the application required by Section 4.24.040 with the Common Council, the Common Council shall then pass upon the application, taking into consideration the applicant, his financial standing, and his equipment for rendering taxicab service in the city; and if the Common Council finds that it is for the best interests of the city and the citizens thereof that the applicant be issued a license to operate a taxicab line, then the Common Council shall instruct the city controller to issue the license upon compliance with all other provisions of this chapter. The city controller shall issue to the applicant upon the approval of the Common Council as above, a license for one calendar year upon the payment of a fee of one hundred dollars for the first taxicab and ten dollars additional for each other taxicab so operated. Cash or certified check shall be deposited with the city controller. (Ord. 68-44 §1, 1968: prior code §25-5).

Section 3. That Section 4.24.080 of the Bloomington Municipal Code, entitled "Business License--Suspension--Revocation--Notice--Hearing," be amended to read as follows:

4.24.080 Business License--Renewal--Suspension--Revocation--Notice--Hearing. (A) Any license issued to any owner or operator under the terms and conditions of this chapter may be renewed for a period of one calendar year by the Common Council following the submission of an application for renewal which shall contain the following:

- 1) All those things required by Section 4.24.040 of this Chapter;
- 2) Proof that all currently operating vehicles have been safety inspected by the State of Indiana;
- 3) Copies of police accident reports for all collisions and accidents involving the applicant's vehicles during the preceding licensed year and;
- 4) Safety records for all drivers currently employed by the applicant including specific references to any involvement in accidents while on the job, driving ability, personal conduct and any record of consumer complaints regarding individual drivers.

All renewal applications shall be made at least sixty (60) days prior to the time of expiration of the applicant's current license. If, in the opinion of the Common Council, said renewal application shall need additional supplemental information, the applicant shall provide the same on request. After an examination of the application for renewal, the Common Council shall or shall not, in its discretion, cause such application to be accepted and a license issued.

(B) Any license issued to any owner or operator under the terms and conditions of this chapter, may be revoked or indefinitely suspended by the Common

CITY OF BLOOMINGTON

Interdepartmental Memo

TO: Councilmembers SUBJ: Heating Devices Ordinance 75-32
FROM: Council Office ^{KA} DATE: 1 July 1975

According to an agreement made with the state Administrative Building Council, the restrictions placed on the location of heating devices by Ordinance 75-32 are the only ones available to the Council under state law. That is, the agreement struck with the ABC allows us only to enact the terms of Ordinance 75-32; any other changes would interfere with state law and would therefore be illegal.

The "grandfather" clause that states that the Ordinance would only apply to heating devices to be installed in the future is required because it would go beyond the power of the Council to affect devices already installed and require them to be elevated the 18 inches. Likewise, the same limitations apply to replacement of devices already installed; for example, it would be unenforceable, extremely cumbersome, and probably unconstitutional to require everytime a clothes dryer in a garage is replaced that it be put on an 18 inch platform.

The "separate enclosure" provision of the previous ordinance was rejected as impracticable and unrealistic at the hearings on the new ordinance; the 18 inch limitation of the present ordinance stands in its place as the compromise allowed by the ABC.

COMMITTEE REPORT SHEET

COMMITTEE NAME Utilities/Public Facilities

ORDINANCE/RESOLUTION 75-34 - Telecommunications
(Name and Number)

DATE SUBMITTED _____

PERSON OR DEPARTMENT ORIGINATING Flo Davis

SUBJECT MATTER _____

DATES OF COMMITTEE MEETINGS _____

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

COMMITTEE RECOMMENDATIONS:

Send letter to Mayor asking for modulator-demodulator for City Building. (This has been done.)

Recommend that the Telecommunications Council be a seven member council with two-year terms that would be rotating terms.

Handwritten initials

MINORITY REPORT ATTACHED YES , NO , NOT APP.

SIGNATURES OF COMMITTEE MEMBERS

CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Utilities/Public Facilities

ORDINANCE/RESOLUTION Utilities Service Board Amendments
(Name and Number)

DATE SUBMITTED _____

PERSON OR DEPARTMENT ORIGINATING Flo Davis

SUBJECT MATTER Ex Officio members of Utilities Service Board

DATES OF COMMITTEE MEETINGS _____

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

COMMITTEE RECOMMENDATIONS:

urgently
Feel no ~~risk~~ in acting on proposed amendments and suggest waiting until the litigation suit is settled.

MINORITY REPORT ATTACHED YES , NO , NOT APP.

SIGNATURES OF COMMITTEE MEMBERS

Flo Davis

CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Utilities/Public Facilities

ORDINANCE/RESOLUTION Appropriation Ordinance 75-5
(Name and Number)

DATE SUBMITTED 2 July 1975

PERSON OR DEPARTMENT ORIGINATING _____

SUBJECT MATTER _____

DATES OF COMMITTEE MEETINGS _____

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

COMMITTEE RECOMMENDATIONS:

The committee supports a study before any committment is made for a city-county building. Furthermore, we feel that the Council should have input into the contract and information that we wish from the study. If the study could be done for less, we would recommend this. However, we feel that the study should be done by a professional in the field.

MINORITY REPORT ATTACHED YES___, NO___, NOT APP. ___

SIGNATURES OF COMMITTEE MEMBERS

F. Jones CHAIRPERSON

Memo to All Councilmembers

What the TAXICAB AMENDMENTS mean.....

Section 1. Business license application

This section is changed in several ways, especially language wise. We have deleted certain awkward or poorly worded phrases and words and rearranged the order of the numbered paragraphs so that they make better sense. In addition, there has been added a section bringing the insurance rates up to par with current state standards (item # 2)

The major addition to this section is the last two paragraphs of Section 1, which states that if the City decides there should be more cabs in town, then it will notify existing cab companies of this 90 days prior to issuing any new licenses. This is done to give the existing companies an opportunity to apply for the new franchise. When the city so decides that a new license or franchise is needed, the Common Council is then to arrange for an economic impact statement and feasibility study to be made which will recommend whether the new franchise should go to an existing company or to a new one. Finally, when a new license is issued by the Council, the operator thereof shall have his vehicles in operation within 90 days from the time the new license is issued.

SECTION 2. Business License--Council Action-Fee.

This section remains exactly as it was before with the addition of the statement that all licenses shall be issued for a period of one year. In the old code, it was never spelled out how long licenses were to be issued for.

SECTION 3. Business License--Renewal--Suspension--Revocation--
Notice--Hearing.

The major change in this section is the addition of a subsection on "Renewal applications" which did not exist in the old code. It is the purpose of this subsection (A) to provide for an orderly means by which an existing license holder might reapply for a license. It spells out what he must do in making a reapplication, and concentrates on the Council's examination of safety records for drivers and vehicles as well as insurance etc. It goes on to spell out that all reapplications should be made 60 days before

the old license is to expire. This was added to give the Council time to make a thorough examination of the reapplication.

Subsection (B) remains the same as in the old code.

Section 4. Insurance.

This section is essentially the same except that it further requires that taxicab companies possess the minimum insurance amounts required by the State Motor Vehicle Department. Other than that, the section is unchanged.

Russ Bridenbaugh

Research Assistant

COMMITTEE REPORT SHEET

COMMITTEE NAME Planning/Community Dev.

ORDINANCE/RESOLUTION 75-4
(Name and Number)

DATE SUBMITTED _____

PERSON OR DEPARTMENT ORIGINATING _____

SUBJECT MATTER _____

DATES OF COMMITTEE MEETINGS _____

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

We like this version of the bill better than the new one. We are still arranging to obtain some additional information about the outcome of the discussions with the State and with the builders. We feel, however, that the ordinance should come up July 3 for action one way or the other. We have had endless discussions and delays. We can do nothing more which would be constructive in committee. We would accept the old version with the full grandfather clause. Or we would go ahead with the new version and make replacements have to conform to the requirements. Morrison was interested in a hardship clause for inclusion in either version.

COMMITTEE RECOMMENDATIONS:

MINORITY REPORT ATTACHED YES __, NO __, NOT APP. __

SIGNATURES OF COMMITTEE MEMBERS

Clayton J. [Signature]

CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Planning/Community Dev.

ORDINANCE/RESOLUTION (Name and Number) 75-37

DATE SUBMITTED _____

PERSON OR DEPARTMENT ORIGINATING _____

SUBJECT MATTER _____

DATES OF COMMITTEE MEETINGS June 30

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

We feel there should be Public input to this decision. We will attempt to discuss it at an evening meeting before second reading

COMMITTEE RECOMMENDATIONS:

MINORITY REPORT ATTACHED YES ___, NO ___, NOT APP. ___

SIGNATURES OF COMMITTEE MEMBERS

Robert Hall CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Planning/Community Dev.

ORDINANCE/RESOLUTION (Name and Number) Restle Report

DATE SUBMITTED _____

PERSON OR DEPARTMENT ORIGINATING _____

SUBJECT MATTER _____

DATES OF COMMITTEE MEETINGS June 30

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

The committee will schedule another meeting with Mr. Restle and invite the council to come hear about the proposal. As of now nothing is to be done.

COMMITTEE RECOMMENDATIONS:

MINORITY REPORT ATTACHED YES __, NO __, NOT APP. __

SIGNATURES OF COMMITTEE MEMBERS

[Signature]

CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Planning / Community Dev.

ORDINANCE/RESOLUTION (Name and Number) RES. 75-19

DATE SUBMITTED _____

PERSON OR DEPARTMENT ORIGINATING _____

SUBJECT MATTER _____

DATES OF COMMITTEE MEETINGS June 30

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION: The planning department says that the Council's decision about large commercial puds can be in resolution form. The committee was of the opinion that such decisions should not be made at one meeting without notice to the public. In addition, we considered the council in a need of more information than would be available this meeting. We asked the planning department to prepare a packet of information, and set up a site inspection and discussion for Friday morning, the 11th of July. We should be able to go on with a decision on the 17th.

COMMITTEE RECOMMENDATIONS:

Put off until the 17th and plan information sessions before then.

MINORITY REPORT ATTACHED YES ____, NO ____, NOT APP. ____

SIGNATURES OF COMMITTEE MEMBERS

Regis Zell CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Planning/Community Dev.

ORDINANCE/RESOLUTION (Name and Number) 75-32

DATE SUBMITTED _____

PERSON OR DEPARTMENT ORIGINATING _____

SUBJECT MATTER _____

DATES OF COMMITTEE MEETINGS _____

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

COMMITTEE RECOMMENDATIONS:

MINORITY REPORT ATTACHED YES ___, NO ___, NOT APP. ___

SIGNATURES OF COMMITTEE MEMBERS

Alfred Hall _____

CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Planning/Community Dev.

ORDINANCE/RESOLUTION (Name and Number) 75-35

DATE SUBMITTED _____

PERSON OR DEPARTMENT ORIGINATING _____

SUBJECT MATTER _____

DATES OF COMMITTEE MEETINGS ~~July~~ June 30

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

We are willing to go ahead with what we understand to be the compromise solution to the 4th st. situation of one hour parking. With that amendment we say go on with the ordinance.

COMMITTEE RECOMMENDATIONS:

MINORITY REPORT ATTACHED YES ___, NO ___, NOT APP. ___

SIGNATURES OF COMMITTEE MEMBERS

[Signature]

CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Planning/Community Dev.

ORDINANCE/RESOLUTION (Name and Number) 75-36

DATE SUBMITTED _____

PERSON OR DEPARTMENT ORIGINATING _____

SUBJECT MATTER _____

DATES OF COMMITTEE MEETINGS June 30

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

No new use of the property is likely to result from the change if adopted. The idea seems to be to under pin the price the petitioner is asking from the University, the only interested party. The University is not opposing the petition. They can afford to wait. Also, we do not think that this case can be used as precedent for other changes from RM to RH. Since the property is next to _____ forms, it is not spot zoning.

COMMITTEE RECOMMENDATIONS: Do pass .

MINORITY REPORT ATTACHED YES ____, NO ____, NOT APP. ____

SIGNATURES OF COMMITTEE MEMBERS

Alfred Small CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Community Resources

ORDINANCE/RESOLUTION (Name and Number)

DATE SUBMITTED June 26, 1975

PERSON OR DEPARTMENT ORIGINATING Common Council

SUBJECT MATTER Community Resources Meeting

DATES OF COMMITTEE MEETINGS June 25, 1975

DATES AND LOCATIONS OF PUBLIC HEARINGS _____

COMMITTEE DISCUSSION:

see attached sheet

COMMITTEE RECOMMENDATIONS:

see attached sheet

MINORITY REPORT ATTACHED YES , NO , NOT APP. X

SIGNATURES OF COMMITTEE MEMBERS

James S. Acherman

CHAIRPERSON

Summary of Community Resources Meeting, June 25, 1975

Those present: Jim Ackerman, Chairman; Flo Davis, Russ Bridenbaugh, Michael Corbett, Mayoral assistant.

First item of business:

Community Market Report: Michael Corbett of the Mayor's office gave the committee an update on the progress of instituting a local community-wide produce market. Corbett reported on the potential sites under consideration which included 6th. & Morton and 6th. & Lincoln. He favored the 6th & Lincoln site which is a municipal parking lot. Both the city attorney's office and the police department have been contacted regarding this matter. Corbett is now waiting to hear from other cities as to how they administer their programs. He is presently working with Russ Bridenbaugh of the Council Staff on the market effort.

It was the consensus of the committee members that the project proceed through the Mayor's office and the Board of Works rather than the Parks Department. The target date for implementation of the market is mid-July. It was emphasized during a detailed discussion of the project that the Downtown Merchants Association has been asked to participate in all areas of planning of the market.

Bicentennial Commission: Chairman Ackerman reported that the Council has yet to make its three appointments to the Commission. After discussion, it was agreed to recommend the following persons for nomination to the commission:

- Mary Alice Gray
- Bill Haynes
- Henry Glassie

There was further discussion on the dismissal of former chairman Richard Taylor. *Russ Bridenbaugh was asked to contact these people and get back-up information on them.*

Women's Commission: Discussion of the Women's Comm. budget request. This was followed by a decision of the committee to arrange a meeting with the CETA supervisor, Bill Finch and Commission chairperson, Mary Jane Hall. The subject of the meeting would be the use of CETA employees by the Women's Commission *in the context of reviewing the tasks now being worked on by the 3 CETA employees.*

Gallo Boycott: Chairman Ackerman presented a proposed resolution from the IU United Farm Workers support group chairman Larry Romsted. The proposal seeks Council support in the continuing boycott of local liquor stores selling Gallo Wines. There was lengthy discussion after which it was decided that the matter should be studied further by the whole committee before making a recommendation.

Girl's Club: There was general discussion of the problems the local Girl's Club is having getting funding. Chairman Ackerman proposed that sometime in the fall a resolution be introduced urging the United Fund to change its rules to allow more deserving agencies to qualify for funding.

Purchase of New Playground Equipment: Chairman Ackerman presented a memo from Bill Wilson, Parks Director on proposed new playground equipment. Councilwoman Davis felt the equipment was unimaginative and not creative and questioned the proposal. She felt that better choices were available. The Mayor's office was contacted during this discussion and the committee was assured that the money would be available to purchase new playground equipment. Councilwoman Davis asked that no action be taken until she meets with Bill Wilson.

Tree Ordinance: Chairman Ackerman reported that he would like to meet with all 26 neighborhood associations and make clear to them the new ordinance on Tree planting.

Adjournment.....