

In the Council Chambers of the Municipal Building, on Thursday, February 21, 1974 at 7:30 p.m., with Councilpresident James S. Ackerman presiding.

REGULAR SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON
INDIANA

Present: Jack Morrison, Richard Behen, Hubert Davis, Wayne Fix, Charlotte Zietlow, Sherwin Mizell, Alfred Towell, James S. Ackerman

ROLL CALL

Absent: Brian De St. Croix

Mayor Francis X. McCloskey, Ted Najam, Administrative Assistant; James Register, Corporate Counsel; Larry Owens, City Attorney; Mark Goodson, Personnel Director; Martha Sims, City Controller; Tim Hodenfield, Aide to the Board of Works,

CITY OFFICIALS PRESENT

About 25 other people including members of the press

OTHERS PRESENT

Councilman Morrison moved that the minutes of the Council Meeting of February 7, 1972 be approved as distributed. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Minutes

2/7/74

Mayor Francis X. McCloskey gave the following message: First of all I would like to say that I am very enthusiastic about the fact that in a half an hour you will have the pleasure and the benefit of a briefing on one man's view of the energy crisis by one of our most prominent and local industrialist, Don Sauter, the manager at Westinghouse. I would like to say that about a month ago Don did present his statements to several City Officials and at that time I suggested that it would be good for the community benefit if he could make public his observations and he decided to contribute that to us tonight at our request. I am looking forward to that. I appreciate him coming down and making that effort.

MESSAGE FROM THE MAYOR

At your convenience and pleasure I would appreciate the reappointment of three individuals to the Human Rights Commission and the new appointment of one individual. These four individuals involved are Dr. Jerry Ruff, Mark Schenk, The Rev. William Webster, the new appointee would be Ms. Mary B. Hays. I think the three reappointments are probably very well known to the Council, Dr. Ruff is the pediatrician, Mark Schenk has been active on the Human Rights Commission for some years, Rev. Webster has been on the Commission for about a year now. He is also the University Campus Ombudsman. A word for Mrs. Hays she is a city employee, part time secretary in the Engineering Department, thought the release on her prepared by one of our staffers contains a lot of irrelevant buff I think the important thing comes towards the bottom. She has served on her own time as an investigator for the Cities Human Rights Commission, assisted in the

investigation of complaints filed with the commission. She comes very highly recommended by various knowledgeable people involved with Bruce Wakowski. She is a neighbor of mine and very well known to me personally. I have the highest regard for her. I think that she would be great. Many of the Councilman do know her and I would appreciate approval for that appointment.

Councilwoman Zietlow moved that the approval of Mayor McCloskey's recommended appointments, Dr. Jerry Ruff, Mark Schenk, Rev. William Webster and Mary Hays to the Human Rights Commission. Councilwoman Zietlow said that she personally knew Mary Hays and had the highest regard for her. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Councilwoman Zietlow made the following report on the Revenue Sharing Committee. They had held a public hearing Wednesday, February 20, 1974, which was very well attended. Councilwoman Zietlow felt that they got a lot of good response from the Community with thier consideration and reservations and thier pros and cons of the project. The Committee will be making a recommendation as soon as possible. Councilwoman Zietlow said that they will be looking at the other proposals that they Mayor has recommended. They hoped to look at the Mall in the total picture. They will be coming up with a report, hopefully, within the next two or three weeks. There have been a number of additions in the proposals from the Mayor so we will want to consider them as well.

MESSAGES FROM
COUNCILMEMBERS

Councilpresident Ackerman briefly explained what was on the evenings agenda.

Councilman Morrison moved that Ordinance 74-11 be read and introduced by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-11
Amend Chapter 15.64.2
of the City Code
"One-way Streets and
Alleys"

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-11 in its entirety.

Councilman Morrison moved that Ordinance 74-12 be introduced and read by the Clerk. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-12
Park Bond Issuance

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-12 in its entirety.

Councilman Morrison moved that Ordinance 74-13 be introduced and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-13
Amend Chapter 15.64.3
of the City Code to
delete 15 minute
parking meters in the
Park and Shop areas.

Grace E. Johnson, City Clerk, introduced and read ordinance 74-13 in its entirety.

Councilman Behen said that normally we do not discuss an Ordinance at it first reading. Councilman Behen asked if these will be 15-minute meters that will be installed, Not just 15-minute meters but all these things carried out after they are voted on or will the Council personally survey. Are some of these things already in existence.

Mayor Francis X. McCloskey said that about 2/3 are already in existence. This is a compliance with the code to apply with actual practice. The Mayor said that he was sure that the Council will take an interest in these changes.

Ted Najam, Administrative Assistant, said that this attempts to organize several sections of the city where there have been discrepancies and inconsistencies. When you say 15 minute zone you do not necessarily mean a 15 minute meter. There are quite a few areas in the city where there is two hour parking or 15 minute parking or 30 minute. It is easy to confuse the two and when you look at it in those terms you are not necessarily talking about a meter in a given location. You are talking about a legal term in parking.

Councilman Behen said that he was thinking in terms of violated loading zones that people park in for a number of hours vs. if it is not exorbitant in cost if a 15 minute meter would serve the same purpose and keep that slot open for the normal unloading and loading period for most Businesses.

Ted Najam said that they would be very happy to incorporate any Council suggestions and to meet with any Councilmember that would like to make a walking tour of all the places that this covers.

Councilwoman Zietlow asked how West Grimes Lane and W5th Street west of Maple Street got sneaked in here since this has to do with down town parking?

Ted Najam said that instead of attempting a piecemeal alteration. We merely took the Ordinance as it is presently written and attempted to go through there to adjust and make corrections where they were appropriate. So it does not deal exclusively with down town.

Councilman Behen asked that each Councilmember be assigned a certain area.

Councilman Davis said that the Traffic Commission would look into this.

Councilman Behen said that he was sure they would but that the Council still has to vote on what they feel was adequate.

Council president Ackerman asked if these had been approved by the Traffic Commission.

Councilman Davis said that they had not.

Ted Najam said not to be fooled by the length of this. Instead of saying that the following sections be deleted they had put the whole ordinance in here. There really are not as many changes as there appear to be by the length of this document. The changes that are there are generally changes that are a product of a memorandum of understanding between the city and the down town park and shop program.

Councilman Towell asked that a staff person in the city make a color coded map to distribute. Perhaps someone in the Planning Department could be assigned this.

Councilman Behen asked if loading zones and 15 minute parking meters were going to be construed as being the same thing?

Ted Najam explained that it was his understanding that there are no loading zones in this ordinance, nor in the ordinance that it replaces. Ted Najam said that he would look into it.

Councilman Morrison moved that Ordinance 74-8 be introduced and read by title only by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-8
annexation at
1824 S. Curry Pike

Grace E. Johnson, City Clerk, introduced and read by title only Ordinance 74-8.

Councilman Morrison moved that Ordinance 74-8 be adopted. Councilman Behen seconded the motion.

James Regester, Corporate Counsel, explained by showing on a map that this land is located on South Curry Pike. South of Highland Village on the west side of Curry Pike. This is a voluntary annexation by the owner of the property Mr. Wendell Sims. The purpose was to gain access to the southwest sewer lines.

Councilwoman Zietlow asked if this was an area of one family house.

Mr. Regester said that at this time it was. The deminsions north and south are 101 feet and east and west 1287 feet.

Ordinance 74-8 was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Mr. Donald Sauter, Plant Manager of Westinghouse, gave a report to the Council on the Implications of the Energy Crisis for the City of Bloomington. Copies of Mr. Sauter's report are on file in the Council office.

SCHEDULED BUSINESS

Councilman Morrison moved that Ordinance 74-9 be introduced and read by the Clerk by title only. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-9
Amending Chapter
14.09 of the City
Code (Noise Ord)

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-9 by title only.

Councilman Morrison moved that Ordinance 74-9 be adopted. Councilman Behen seconded the motion.

Larry Owens explained that he and Frank Thomas drafted this Ordinance. The main purpose of this amendment is to clarify the status of the violation of the Noise Ordinance. It was somewhat confusing as to whether this was to be treated as a misdemeanor or something more akin to a civil penalty such as a parking ticket. After discussing this with Mr. Thomas it was decided to follow the civil penalty procedure whereby a person would be given a ticket they would then have the opportunity to appeal this ticket or pay the penalty. The content of this change is to make it clear that the officer would only be giving out a ticket and not collecting the penalty. Section six again just reiterates that this is a penalty of (\$10) ten dollars. Section eight says that the penalty can be paid to the City Controller.

Ordinance 74-9 was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved that Resolution 74-11 be introduced and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-11
Investment of Funds

Grace E. Johnson, City Clerk, introduced and read Resolution 74-11 in its entirety.

Councilman Morrison moved that Resolution 74-11 be adopted. Councilman Behen seconded the motion.

Councilpresident Ackerman asked what rate this was being invested?

Martha Ellen Sims said that at this time she did not know. It was being invested in Government Securities.

Resolution 74-11 was carried by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved that Resolution 74-12 be introduced and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-12
Transfer of funds

Grace E. Johnson, City Clerk, introduced and read Resolution 74-12 in its entirety.

Councilman Morrison moved that Resolution 74-12 be adopted. Councilman Behen seconded the motion.

Councilpresident Ackerman said that the reason for the change in the Board of Works is that they are taking money away from publication of legal notices to other supplies needed to create money for items such as keys, lights, miscellaneous funds, because of the demise of the Courier Tribune the legal notice budget is more than ample and can afford to have \$500 deleted.

Councilpresident Ackerman said that he did not see any reason for taking money away from buildings and structures and asked that this be explained.

Martha Ellen Sims explained that this was a typographical error and that it should have been typed on the other line. It was typed on line 71 instead of line 72.

Councilman Behen said that in the pass there had been councilmembers who felt justified in tabling things when a department head was not here to explain the reasons for various changes in the budget. But Councilman Behen did not so wish to move.

Councilman Fix asked if this meant that they have decided that there is no other newspaper of general circulation in the county?

Larry Owens said that was correct. If there would become one within the city the city would advertise in both.

Councilman Mizell asked how general circulation was determined?

Larry Owens said that at this time there is but one newspaper in Bloomington of general circulation. (He was not clear on the tape so was not able to transcribe the complete conversation)

Resolution 74-12 was carried by a ROLL CALL VOTE OF AYES 8; NAYS 0.

NONE

PETITIONS AND COMMUNICATIONS

NONE

REPORTS FROM OFFICIAL BOARD AND COMMISSIONERS

NONE

REPORTS FROM STANDING COMMITTEES

NONE

REPORTS FROM SPECIAL COMMITTEES

NONE

REPORTS FROM CITY OFFICIALS AND DEPARTMENT HEADS

NONE

OTHER NEW BUSINESS

NONE

UNFINISHED AND MISCELLANEOUS BUSINESS

NONE

EXAMINATION OF CLAIMS

Council president Ackerman adjourned the meeting at 9:00 p.m. on Thursday, February 21, 1974

ADJOURNMENT

James S. Ackerman
James S. Ackerman
President
Bloomington Common Council

ATTEST:

Julaine Thomas
Julaine Thomas, secretary

RESOLUTION No. 74-16

BUDGET TRANSFERS

BE IT HEREBY RESOLVED by the Common Council of the City of
Bloomington, Indiana, that the City Controller of said City may
adjust the appropriations of the following budgets, to-wit:

GENERAL FUND

ANIMAL SHELTER

From 3 SUPPLIES		
33 Institutional and Medical	\$85.00	
To 2 SERVICES CONTRACTUAL		
26 Other Contractual Services (Work Study)	\$85.00	

SPECIAL FUND

PARKING METER/CONTROLLER

From 2 SERVICES CONTRACTUAL		
26 Other Contractual Services	\$1,200.00	
To 3 SUPPLIES		
37 Other Supplies (Parking Meter Tokens)	\$1,200.00	

APPROVED: March 7, 1974.

James S. Ackerman
James S. Ackerman, President
Common Council

APPROVED: March 8, 1974

Francis X. McCloskey
Francis X. McCloskey, Mayor
City of Bloomington

RESOLUTION 74-15

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, REQUESTING THAT THE STATE OF INDIANA ACTING BY AND THROUGH THE DEPARTMENT OF COMMERCE MAKE APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A GRANT TO PROVIDE PLANNING ASSISTANCE FOR A PLANNING PROJECT FOR THE CITY OF BLOOMINGTON AND PLEDGING FUNDS TO PAY FOR ITS SHARE OF THE PROJECT.

WHEREAS the Common Council of the City of Bloomington in the State of Indiana by Ordinance did, on the 17th day of November, 1925 provide for the creation of City Plan Commission and have now been duly and properly appointed; and

WHEREAS, the City Plan Commission is now duly constituted and operating under the authority vested in it by the above mentioned ordinance; and

WHEREAS, the City Plan Commission has determined that in order to improve the present health, safety, convenience and welfare of the citizens of Bloomington, Monroe County, it is necessary to plan for its development and growth by the preparation of a Housing Plan Element of the Bloomington Master Plan; and

WHEREAS, it is estimated by the City Plan Commission that the preparation of such a Plan will cost approximately Thirty Thousand Dollars (\$30,000); and

WHEREAS, under the provisions of Section 701 of the Housing Act of 1954 as amended the Administrator of the Department of Housing and Urban Development is authorized to make grants to the State of Indiana acting by and through the Department of Commerce for the provision of planning assistance to cities, municipalities and counties; and

WHEREAS, the City of Bloomington does not now have funds sufficient to pay for the preparation of the Housing Plan Element of the Bloomington Master Plan;

NOW, THEREFORE, BE IT RESOLVED by the Common Council, City of Bloomington, State of Indiana;

1. That it is desirable and in the public interest that the City Plan Commission prepare a Housing Plan Element of the Bloomington Master Plan.

2. That the Common Council, City of Bloomington, Indiana, hereby requests that the State of Indiana acting by and through the Department of Commerce provide such planning assistance as may be available under Section 701 of the Housing Act of 1954 as amended.

3. That the Application for Urban Planning Assistance by the City Plan Commission to the State of Indiana acting by and through the Department of Commerce, said application having been submitted to this body and having been duly reviewed and considered, is hereby approved.

4. That sufficient funds will be available to pay the City's share of the cost of the preparation of the Plan, which amount shall not exceed Fifteen Thousand Dollars (\$15,000).

Passed and adopted by the Common Council of Bloomington, Indiana, Monroe County, State of Indiana on this 6th day of 1974.

Passed by
Council 3/7/74

James S. Ackerman
James S. Ackerman, President
Bloomington Common Council

Approved by
the Mayor 3/8/74

Francis X. McCloskey
Francis X. McCloskey

WHEREAS the Common Council of the City of Bloomington, on November 21, 1972, enacted an Ordinance to Improve the Quality of Housing, and

WHEREAS the Mayor of the City of Bloomington on November 29, 1972, approved the ordinance, and

WHEREAS the Common Council continues to find the ordinance, now chapter 17.20 of the City Code, necessary in the interest of safe, sanitary, comfortable housing for the citizens of Bloomington, and

WHEREAS the Housing Code Enforcement office, the Legal Department, the Planning Department, and other agents of the City of Bloomington have demonstrated the effectiveness of the ordinance in furthering this interest, and

WHEREAS these agents have administered the ordinance without unnecessary interference with the business of landlords and tenants,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, that the decision of February 27, 1974, in Monroe Circuit Court, unfavorable to sections of chapter 17.20 of the City Code of Bloomington which are most necessary to the purposes of the chapter, be appealed by the City of Bloomington to the Indiana Court of Appeals.

passed by Council 3/7/74

James S. Ackerman
James S. Ackerman
President
Bloomington Common Council

approved by Mayor 3/8/74

Francis X. McCloskey
Francis X. McCloskey

BE IT HEREBY RESOLVED by the Common Council of the City of Bloomington, Indiana, that the Controller of said City is hereby empowered to make the following investments into Government Securities or Certificates of Deposit yielding the highest rate of interest obtainable, consistent with safety, to-wit:

FUND	AMOUNT	MATURITY DATE
MOTOR VEHICLE HIGHWAY FUND	\$50,000	30 Days
CUMULATIVE CAPITAL FUND	250,000	30 Days
FEDERAL REVENUE SHARING TRUST FD.250,000		30 Days
PARKING METER FUND	20,000	30 Days
PARKING FACILITIES FUND	20,000	30 Days
PARKING METER PROJECT "A"	5,000	30 Days
PARKING METER PROJECT "B"	15,000	30 Days
OLDER AMERICAN CENTER	5,000	30 Days
REDEVELOPMENT N D P FUND	1,100,000	30 Days
WATER BOND & INTEREST	800,000	30 Days
WATER DEPRECIATION	600,000	30 Days
SPECIAL WATER CONSTRUCTION	280,000	30 Days
WATER METER	35,000	30 "
SEWAGE WORKS DERRECIATION FUND	200,000	30 Days
SEWAGE WORKS CONSTRUCTION FUND	100,000	30 Days
SEWAGE WORKS SINKING FUND	225,000	30 Days
SEWAGE GENERAL FUND	250,000	30 Days
SEWAGE GENERAL FUND (ESCROW)	60,106.76	(Approximately) 30 Days
SEWAGE GENERAL FUND (ESCROW)	69,598.42	(After 3/22/74) 30 Days

Total Investments: \$ 4,334,705.18

APPROVED March 7, 1974

James S. Ackerman
James S. Ackerman, President
Common Council

APPROVED: March 8, 1974

Francis X. McCloskey
Francis X. McCloskey, Mayor
City of Bloomington