

In the Council Chambers of the Municipal Building, on Thursday, March 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, Wayne Fix, Charlotte Zietlow, Sherwin Mizell, Alfred Towell, James S. Ackerman

ROLL CALL

Absent: Hubert Davis, Brian De St. Croix

Ted Najam, Administrative Assistant; Bruce Wackowski, Director - Human Rights Commission Attorney; Martha Ellen Sims, City Controller; James Regester, Corporate Counsel; Larry Owens, City Attorney; Grace E. Johnson, City Clerk.

CITY OFFICIALS PRESENT

About 30 other people including members of the press.

OTHERS PRESENT

Councilman Morrison moved that the minutes of the Council Meeting of March 7, 1974 be approved as distributed. Councilwoman Zietlow seconded the motion. The motion was carried by a unanimous voice vote.

Minutes

3/7/74

Councilman Morrison moved that Resolution 74-19 be deleted from the Agenda and that Resolution 74-20 be added to the Agenda. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

NONE

MESSAGE FROM THE MAYOR

Councilman Mizell welcomed Mr. James Weimer 8th grade Social Studies class from the University Middle School to the Council Meeting. This Social Studies class is in the process of studying government in their classrooms and were at the Council meeting to observe city government in action.

MESSAGES FROM
COUNCILMEMBERS

Councilman Mizell brought to the attention of the Council that the limitations of the Guthrie Suit will run out at the end of this month. Councilman Mizell said that this would free a lot of properties on the east side of Bloomington from protection of this suit. Some of the properties included in this are the York Town Court Apartments, Meadow Park Apartments and a number of other apartments along South High Street. Councilman Mizell expressed hopes that the City Legal Department is preparing ordinances that will bring these properties into the city.

Mr. James Register, Corporate Counsel, said that they were preparing Ordinances for these properties.

Councilwoman Zietlow reported on the Revenue Sharing Hearing that was held Wednesday, March 20, 1974. Councilwoman Zietlow reported that they discussed Bicycle Paths, sidewalks, Community Center Building, housing study, CAP, Day Care particularly the Christian Day Care Proposal, Drug Commission property, aid to schools, street resurfacing, historic preservation of the old library. Councilwoman Zietlow said that it was an extremely fruitful hearing. She felt that this hearing was invaluable in helping the Councilmembers arrive at a series of priorities for revenue sharing appropriations. Councilwoman Zietlow said that the Council will be working on revenue sharing this weekend and that Tuesday, March 26 there will be a special meeting of the Common Council to discuss the Kirkwood Mall appropriation ordinance.

Councilman Morrison moved that Ordinance 74-10 be introduced and read by the clerk. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-10
Creating an
Economic Development
Commission

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-10 in its entirety.

Councilman Morrison moved that Ordinance 74-18 be introduced and read by the clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-18
Salary Ordinance for
Appointed Officers and
Employees.

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-18 in its entirety.

Councilman Morrison moved that Ordinance 74-14 be introduced and read by the clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-14
Adding two definitions
to section 2.60.020
(Human Rights Commission
Chapter)

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-14 by title only.

Councilman Morrison moved that Ordinance 74-14 be adopted. Councilman Behen seconded the motion.

Councilpresident Ackerman explained that the purpose of this ordinance is to expand the definition of national origin and ancestry.

Councilpresident Ackerman explained that the term "nationalorigin" shall refer to the country from which a person came. The term "ancestry" shall refer to both the country from which a persons ancestors came and the citizenship of a persons ancestors.

Bruce Wackowski, Director - Human Rights Commission Attorney; explained that the Human Rights Commission voted to approve this Ordinance nine to nothing on February 18, 1974. The last impediment to this problem was erased when Govenor Bowen signed Senate Bill 234 on February 15, 1974. This Bill eliminated citizenship preferences for state employment. Ordinance 74-14 does not expand any coverage of the ordinance, however, it makes clear what the Supreme Court of the United States may have fuzzied a bit in the case of Espinoza vs Farah Manufacture Company. In that case the Supreme Court interpreted Title 7 of the 1964 Federal Civil Rights Act in a manner that said that citizenship per se was not a ground for a discriminatory charge under that statute. Bruce Wackowski felt that this was erroneous interpretation and that Justice Douglas was correct in descent but, this is the law under Title 7 as far as the Federal Civil Rights Act is concerned.

Councilpresident Ackerman summarized the ordinance by saying that the laws prohibit discrimination of a person on the basis of race, color, creed, and national origin. There is some fuzziness as to whether a person could be discriminated against if he were not a United States citizen. This ordinance is to try to specify that even if a person is not a United States citizen that cannot be grounds for discrimination.

Bruce Wackowski said that there is "Bonified Occupational Qualification" which means that if there is a valid business necessity such as an allien in this country is prohibited from engaging in certain activities, if those activities are part and necessary of a particular job th n there is a valid reason for not hiring him. Absent this "Bonified Occupational Qualification" there is no justification for limiting employment, housing, education, or public accommodation on the grounds of citizenship.

Councilpresident Ackerman said that they were not blazing new territory here but just trying to establish language which will be true to the laws of the State of Indiana and the Federal Government and true to the spirit of the Supreme Court Decision.

Ordinance 74-14 was passed by a ROLL CALL VOTE OF AYES 7, NAYS 0.

Councilman Morrison moved that Appropriation Ordinance 74-3 be introduced and read by the Clerk by title only. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Appropriation Ord 74-3
Revenue Sharing
for Indigent Health Care
and Well Baby Clinic

Grace E. Johnson, City Clerk, introduced and read Appropriation Ordinance 74-3 by title only.

Councilman Morrison moved that Appropriation Ordinance 74-3 be adopted. Councilman Behen seconded the motion.

Councilwoman Zietlow explained that this is a supplement to an appropriation that was made last year. This would fulfill the requirements of the Indigent Health Care, the Drugs and Sundries Budget of the Health Services Bureau, Community Actions Program and the Well Baby Clinic to the amounts that would be needed for this entire year.

Ted Najam, Administrative Assistant, said that this was correct.

Councilwoman Zietlow said that she did not feel that the Revenue Sharing Committee need to make any recommendations. These are commitments that were made last year.

Councilpresident Ackerman said that they have already appropriated \$6,000 for Indigent Health Care and \$825 for the Well Baby Clinic. This is simply to round out the program.

Ted Najam said that this is to round out the program for the year. The figures used previously were not complete. In Indigent Health Care the \$6,000 figure was the current figure when the budget was advertised and shortly thereafter they received a revised figure from CAP. But once the budget is advertised you may not raise the figure. So they had to wait until now to round out that program. There was some question as to whether the Public Health Nursing Association would proceed with the Well Baby Clinic. Since then those problems have been ironed out. The County has become involved and they will be supporting their share of the program. This will round out the program for the rest of the year for that project.

Council president Ackerman asked if this was shared by the County and the City equally.

Ted Najam explained that this was more complicated than that. The Public Health Nursing Association presented them with a total break down as to the cost per time that a baby would come into contact with the clinic and a percentage as between city and county.

Appropriation Ordinance 74-3 was passed by a ROLL CALL VOTE OF AYES 7; NAYS 0.

Councilman Morrison moved that Appropriation Ordinance 74-4 be introduced and read by the Clerk by title only. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Appropriation Ord. 74-4
Parking Meter Fund

Grace E. Johnson, City Clerk, introduced and read Appropriation Ordinance 74-4 by title only.

Councilman Morrison moved that Appropriation Ordinance 74-4 be adopted. Councilman Behen seconded the motion.

Ted Najam said that this Ordinance should be examined in three parts.

a) The Police Department: For some reason the Meter Clerks or the Record Clerks that are paid for in the Department by parking meter money have had a salary lower than the salary of other record clerks. Although the precise nature of the work is different the level of responsibilities is similar. There is no reason for this discrepancy in the rate of pay for the records clerks in the Department. The Chief of Police and Ted Najam talked about this after the budget had been enacted but before the salary ordinance for the Police Department had been passed. They resolved at that time to make the adjustment in the salary ordinance and to put them on a par Department wide. The Trafficettes, they have increased their salary to a level of \$6,000. So basically the first part is just to round out those salaries. It does not call for a change in salary ordinance. The salary ordinance has already been passed.

b) The second section deals with the Controller's Office, Personal Services. This is just \$300 to provide for the clerk at the front desk. They were hoping to provide Martha Sims, City Controller, with \$2,000 worth of

Contractual Services as assistance for financial analysis. The kind of analysis the Mayor and the Common Council has wanted in cash flow and in investments. After having checked the statutes it appears that the parking meter fund does not allow for this. So they are requesting that the \$2,000 that appears in services contractual be shifted to supplies in order to help cover purchase of additional parking tokens.

- c) The largest sum in the ordinance deals with the conversion of parking meters. Many of the parking meters need to be converted are also very old. The meters have to be broken down completely in order to have the conversion take place. This is a good time to have the mechanisms replaced. There are 250 parking meters that have workings that are 15 years old, well beyond their useful life. They are attempting to make an investment by having the mechanisms replaced at the same time the meters have to be torned down. Than have to tear them down twice.

Councilpresident Ackerman asked what the other \$8,630 that is left in the other services contractual is for?

Ted Najam explained that that balance covers the conversion of meters and the replacement of meters.

Councilwoman Zietlow moved that Appropriation Ordinance 74-4 be amended to read Services Personal, Salaries and Wages \$300, Services Contractual line 26 other Contractual Service \$8,630, item #3 Supplies, #37 Other Supplies \$2,000 for total funds of \$10, 930. Councilman Mizell seconded the motion.

The motion to amend Appropriation Ordinance 74-4 was passed by a ROLL CALL VOTE OF AYES 7; NAYS 0.

Councilman Towell moved that Appropriation Ordinance 74-4 be adopted as amended. Councilman Mizell seconded the motion.

Appropriation Ordinance 74-4 was passed as amended by a ROLL CALL VOTE OF AYES 7; NAYS 0.

Councilman Morrison moved that Ordinance 74-17 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 74-17
To amend Chapter 2.78
of the Municipal Code
"Utilities Service Board"

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-17 by title only.

Councilman Morrison moved that Ordinance 74-17 be adopted. Councilman Behen seconded the motion.

Councilpresident Ackerman explained when Ordinance 74-17 was brought up before the Council at first reading the Council referred this to the subcommittee of the Council chaired by Councilman Towell including Councilman Mizell, Councilwoman Zietlow and Councilman Fix asking that a report be brought back by that subcommittee for this meeting.

Councilman Towell said that the committee took this ordinance and the original ordinance establishing the Utilities Service Board under advisement. The Committee came up with a number of suggestion which they feel would amount to a new ordinance. The Committees recommendation for Ordinance 74-17 was that it be tabled indefinitely. The subject of Ordinance 74-17 be included in another ordinance which would be wider in its scope.

Councilman Towell said that in their discussions in committee they came up with several proposals. Then they asked the Legal Department to do research regarding the legality of the proposal and any other advice that he might have. Councilman Towell felt that the committee was still at the stage of developing an ordinance and were not ready to have one at first reading tonight. Councilman Towell felt that the committee needed two more weeks to sharpen up their proposals. During this period they hope to have input to their committee from the Service Board itself and other Departments of the City that have an interest in this. What is presented tonight is not necessarily going to be put in the ordinance but, they are subjects that the committee covered in their discussions.

The committee discussed the make up of the Board and came up with a proposal which has already received some discussion and some criticism. Seven members, five citizen members and two members who possibly might be Officials of the City or employees of the city. One of those appointments would

be by the Mayor and the other by the Council. The Board is appointed majority by the Mayor and one less by the Council. They felt that the ideal independent citizens board had not worked out. There had always been a kind of political presence in the considerations of the Board. So the committee felt that they might legitimize that. Give two members of the Board dual roles, than limit it by saying that the other members of the Board must be citizen members. The Legal Department has said that there are legal difficulties with this. David Rogers the attorney for the Utilities Service Board thought it unwise but his arguments tended in an opposite direction from the Legal Department. This is still under study. On the advise of the legal study the committee is having prepared language which would limit members of the Board to non officials and non employees of the City. The Committee felt that this was a policy decision of the Council and the Mayor.

The committee felt that the Board should regularize their budget proceedings. The budget should be submitted at least a month before the time it would have first reading in order to pass the budget in the time that the Council is suppose to pass it. This would be longer than a month before the final passage. There should be some appeal of employee decisions within 30 days to the Board. Ultimately by State Law and the City Ordinance the Director may hire and fire employees. He must state his reason if he fires someone. This is a kind of looking over of what the Director has done.

The committee took up the whole area of conflict of interest. In their original discussions of the Service Board Ordinance this was part of the controversy. The committee left in the possibility that there would be dismissal with cause of some Board members. Some people felt that this was undermining the independence of the Board. The committee felt that there could be a kind of two level of conflict of interest approach. The Committee took language from the Planning Law which talks about disqualification from voting because of financial interest in matters being voted on. That is a rather serious kind of thing that you would want to avoid. They came up with the proposal on any vote it be the duty of the members of the Board to declare any personal interest that they may have in the matter being voted on. Other approaches like asking members to reveal their financial holdings at the beginning of their term or something of that sort would never be detailed enough to be particular to the question that is coming up for vote. If that kind of declaration did not take place it would not affect the validity of

the vote but it would be cause for the removal of that Board member. Since they are saying that it is the positive duty of members to make this kind of declaration.

The committee felt that they should regularize the Boards meetings and decisions in some way. Decisions should be made at regular Board Meetings or if they were to be made at a Special Meeting the meeting should be called at least 48 hours before the meeting takes place with notice to the press and everyone. The Utilities Service Board was in the process of adopting rules of procedure for themselves which specified a 24 hour notice. There should be an emergency clause so that if something did come up that they had to act fast they could easily show the reason why and go ahead and act. A majority of the members not a majority of the members present should pass on decisions made by the Board. They should have to give the reason for a vote if asked.

Among the membership requirements the committee felt that there were certain policies so important to the City that they felt that they should limit the number of members who could come from the County outside the City. If it was a five member board perhaps four should come from the City. If it were a seven member Board they might permit two to come from the County.

Councilman Towell moved to table indefinitely Ordinance 74-17. Councilman Mizell seconded the motion.

Councilman Behen said that the Council is not asked to explain their vote and that they should not ask another body to do that.

Councilpresident Ackerman said that they should not impose rules on others that they do not follow themselves.

Ann Rippy, President of the League of Women's Voters, spoke now but she was not speaking into a microphone and I was not able to transcribe what she said. Ms. Rippy did present a paper to the Council and that will be added into the minutes.

Councilman Towell said that the committee felt that liaison members to the Board was not as effective as Ex-Officio members.

Ordinance 74-17 was tabled indefinitely by a ROLL CALL VOTE OF AYES 7; NAYS 0;

Councilman Morrison moved that Resolution 74-17 be introduced and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-17
Budget Transfers

AMENDMENT TO ORDINANCE ESTABLISHING UTILITIES SERVICE BOARD

2.78.020 POWERS AND DUTIES

Proposed (f) Reasons for Decisions. Each member of the Board voting on any major decision such as, but not limited to, policy decisions, contracts, rate schedules, selection of a Utilities Manager, rules and regulations for appointment and compensation of employees, shall state in writing the reasons why he voted as he did, the alternatives considered, and the reasons why these alternatives were rejected.

The statement of reasons shall be kept ^{A PART OF} with the minutes of each meeting and ^{shall} be available to the public.

2.78.030

(a) Candidates for appointment--required disclosures.

From each candidate under consideration for appointment to the Board, the Mayor or Common Council, as appropriate, shall require the disclosure of certain information. This disclosure, delineated in 2.78.030(b) below, shall be designed to reveal potential conflicts of interest in candidates and members of the Board. Such disclosures, both to the Common Council and to the Mayor, shall be compiled and incorporated into the minutes of the Common Council.

(b) Disclosures--content. Candidates for appointment as Board members shall disclose to the Common Council or to the Mayor, as appropriate, all stock, debt, employment, proprietary, management, contractual, controlling or compensated advisory or representative interests held by the candidate or Board member, his/her spouse and children below majority age in the following:

- (i) real estate in Monroe County;
- (ii) enterprises which engage in the purchase, sale, development or improvement of real estate in Monroe County;
- (iii) enterprises which engage in the construction, sale or planning of buildings or dwellings in Monroe County;
- (iv) enterprises which engage in the manufacture, sale, purchase, installation, supply or maintenance of water and/or sewage treatment, processing or transmission equipment.
- (v) any enterprises possessing business interests which might reasonably be directly affected by the operation of utilities under the Board's control.
- (vi) any enterprise with a controlling interest in any of items (i) through (v) above.

(c) Avoiding conflicts of interest--appointment policy. The policy governing the appointment of Board members shall be to avoid any appearance of conflict between public interest in ethical and efficient discharge of Board responsibilities and any personal or business interests of Board members.

Pursuant to this, the Mayor or Council, as appropriate, shall evaluate each candidate disclosure made according to 2.78.050 (b) above. Where potential conflicts of interest are revealed, the candidate shall agree to eliminate such conflict if appointed, or be removed from consideration for appointment to the Board. If subsequently appointed, failure to eliminate such conflicts within a reasonable period shall constitute grounds for removal from the Board under provision 2.78.050 below.

(d) Disclosure--yearly amendment by Board members. Each board member shall amend his/her disclosure of interests during each January of his/her term of appointment, and these amended disclosures shall be incorporated into the minutes of the Common Council. Failure to amend disclosures to reflect the interests currently held by a Board member shall be grounds for removal of the member under provision 2.78.050 below.

(e) Subsequent conflicts of interest--duty to eliminate or resign. If a potential or actual conflict of interest for a Board member shall arise during his/her term of appointment, that Board member shall reveal such conflict to the Board, the Common Council and the Mayor, and the minutes of the Board and the Council shall include that disclosure. The Board member must eliminate the personal conflicting interest or resign from the Board for the balance of his/her term of appointment. Failure to eliminate the conflicting interest or resign within a reasonable time shall be grounds for removal under provision 2.78.050 below.

Grace E. Johnson, City Clerk, introduced and read Resolution 74-17 in its entirety.

Councilman Morrison moved that Resolution 74-17 be adopted. Councilman Behen seconded the motion.

Councilman Fix brought to the attention of the Council that there was an error on the explanation of Resolution 74-17 that the number 31 should read 33.

Martha Ellen Sims said that this Resolution was from the Special Fund and not the General Fund as stated on the Resolution.

Councilwoman Zietlow moved that Resolution 74-17 be amended to read Special Fund. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Mizell moved that Resolution 74-17 be approved as amended. Councilman Behen seconded the motion.

Resolution 74-17 was approved as amended by a ROLL CALL VOTE OF AYES 7; NAYS 0.

Councilman Morrison moved that Resolution 74-18 be introduced and read by the clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-18
Temporary Loans

Grace E. Johnson, City Clerk, introduced and read Resolution 74-18 in its entirety.

Councilman Morrison moved that Resolution 74-18 be adopted. Councilman Behen seconded the motion.

Councilwoman Zietlow asked Mrs. Sims if this was the first time the Council has ever been asked to do this from the Local Road and Street Funds?

Martha Ellen Sims, said that it was. Ordinarily there is not a Local Road and Street Fund but, because of the bad weather this here they have a balance. They will be paid back.

Resolution 74-18 was passed by a ROLL CALL VOTE OF AYES 7; NAYS 0.

Councilman Morrison moved that Resolution 74-20 be introduced and read by the Clerk.

Resolution 74-20
Investment of Funds

Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, introduced and read Resolution 74-20 in its entirety.

Councilman Morrison moved that Resolution 74-20 be adopted. Councilman Behen seconded the motion.

Councilpresident Ackerman asked Mrs. Sims what the interest would be on this one month investment.

Mrs. Sims said that it would have to be in Treasury Bills so the interest would be lower.

Resolution 74-20 was passed by a ROLL CALL VOTE OF AYES 7; NAYS 0;

NONE

REPORTS FROM OFFICIAL
BOARDS AND COMMISSIONS

NONE

REPORTS FROM STANDING
COMMITTEES

NONE

REPORTS FROM SPECIAL
COMMITTEES

Frank Thomas, Chairman of the Noise Abatement Subcommittee, explained that since the Ordinance has been in effect it has been out of the committees hands and has been turned over to the Police Department in terms of enforcement. The Committee did train the Police Officers and Officer Staats is going to report on that. The Committee has tried to educate the public but, as everyone knows the big problem with noise comes during the summer. The Committee feels that the Ordinance is good for the City and does have some beneficial effects in calling peoples attention to the noise problems of the city. Mr. Thomas said that he has noted that the Herald Telephone has carried an article in their newspaper concerning noise. There was an advertisement from one of the local stores for lawn mower mufflers. So some effect is being had. Mr. Thomas said that he would respond to any questions concerning the Ordinance itself but, he would first like to hear Officer Staats report.

REPORTS FROM CITY OFFICIALS
AND DEPARTMENT HEADS

Officer Charles Staats, Bloomington Police Department, explained that the weather is a problem in enforcing this Ordinance. None of the Noise Readings can be accepted unless the temperature is above freezing or the humidity is below 99%. So the Police Department has not had much of a chance

to work with this equipment because during the winter the weather is usually freezing or the humidity is 99%.

Councilwoman Zietlow asked if during the days that the weather has been cooperative if the police Department were using the equipment to make periodic checks on the noise situation.

Officer Staats said that whenever weather permitted the Police Department was making spot checks on the noise in Bloomington. At this time they have not made any arrest.

Councilpresident Ackerman asked how many officers had been trained to use the equipment?

Officer Staats said that four officers were trained to use the equipment. One person for each shift.

Councilwomen Zietlow asked if there had been any complaints on the basis of this ordinance.

Officer Staats said that there had been one with the Telephone Company one evening but, they were given a special variance. There was one at the Indiana University Law Building for thebusses making disturbing noises. The Police Department has made noise meter readings on the buses.

Councilwoman Zietlow asked if the Police Department gets complaints concerning loud parties?

Officer Staats said that they did.

Councilwoman Zietlow said that at the time the Council was discussing the Noise Ordinance that there was some question as to whether the noise would have to last fifteen minutes.

Frank Thomas said that he and the Deputy City Attorney got together with Carl Chambers to discuss whether it was important that a police officer be there the complete 15 minutes that the noise disturbance was going on. They decided that at the time the complaint is made to the Police Station that the 15 minute period could start th n. The officer could go to the place and actually observe the disturbance taking place but not stand there for 15 minutes.

Councilwoman Zietlow asked if the motorcyclist have run into any problems with the noise ordinance.

Officer Staats explained that the weather has been to cold for motorcyclist to be out in full force. So as of now he could not answer that question effectively.

Councilman Fix asked how the buses measured out at the Law School Building.

Officer Staats said that they ran five buses off the street. Three of them were over and two of the busses were under.

Councilpresident Ackerman said that he felt that the ordinance that was passed last year on noise is a very important ordinance and is a real addition to the quality of life in Bloomington. Councilpresident Ackerman express hope that the news media would publicize the availability of the ready trained officers and the equipment so that if there are complaints of abuse of noise that they will be reported in and that this will start to be enforced in the city.

Councilman Fix asked if they had checked the city buses yet.

Officer Staats said that as of now they have not.

Councilwoman Zietlow said that they do not know if this ordinance is effective yet.

Frank Thomas agreed. Most complaints of this type come during warmer weather when people open their windows, get out their lawn mowers and other recreational equipment. The rate of complaints will go up starting at the end of April when the weather starts getting warmer.

Councilwoman Zietlow asked if another report will be scheduled after the weather starts warming up?

Frank Thomas said that a report should be scheduled in June after Mr. Walter Bron returns.

Mr. Richard Webb referred the Councilmembers to his 38 page critique of the Noise Ordinance. He felt that the noise ordinance and the discussion surrounding it has helped to educate the people. At the tail end of the summer last year he did have a chance to check the Noise Ordinance.

Mr. Webb's main concern is power lawn mower noise. He felt that it was just constant in the summer. His other concern was the air conditioning noise. He also felt that the city buses were too noisy and that the noise was too frequent. Mr. Webb felt that this was more than just a hearing loss there are also physiological and mental loss as well. Mr. Webb felt that the City Council

should appoint people to study these physiological and mental affects on people. Mr. Webb said that he has made two complaints relating to this noise ordinance first one on September 1st but they were not ready yet to handle these complaints. He made another complaint about a month later but this one was not followed through on by the Police Department. Mr. Webb said that he did not think the ordinance should have passed. He felt that there should have been more public discussion, more public hearings held on mental health and the physiological effects. Mr. Webb once again stressed the point that it was more than just hear noise. Mr. Webb felt that neighbors should not go to their neighbors to complain about noise because it would creat an anamosity between the neighbors. He felt this was where the city should step in and appeal to the citizenship at large.

Mr. George Malacinski Rogers Elementary PTA Safety Committee Co-Chairman, addressed the Councils attention to the sidewalk issue in three parts.

PETITIONS AND COMMUNICATIONS

- A) First of all Mr. Malacinski presented the Council with the following petition. (Attached on the following page) Mr. Malacinski said that they took a rather relaxed approach to get signatures for the petition and he felt that the response was overwhelming. If this group went out and actively pursued the issue they could within a few weeks bring in a petition with perhaps a thousand names.
- B) Secondly, Mr. Malacinski read a brief letter that was sent to Mayor McCloskey.

Dear Mayor McCloskey,

As a follow up to our meeting with you in your office on March 11, 1974 we would like to again express our support and appreciation for the matter in which our administration has initiated and worked on the side walk construction plan for approached to schools along heavily travelled streets. In particular we gratefully acknowledge the new sections of sidewalks along High Street and 2nd to Hunter Avenue, from South Downs to 1st Street. The latter serves as an alternative route for students on a portion of the area west of High Street. This represents however, as we are all aware merely a beginning on the enormous pedestrian safety problem in the Rogers area.

We as a PTA Safety Committee urge you to appropriate further revenue sharing funds for sidewalk construction in the 1974 allocation. We understand that approximately \$72,000 was spent from the \$100,000 sidewalk allocations from the 1973 revenue sharing funds. The remaining money approximately 28,000 was placed in the revenue sharing trust fund. We ask that at least \$28,000 be added to the

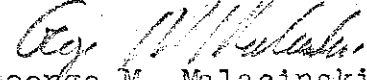
March 13, 1974

Dear Mayor McCloskey:

As a follow-up to our meeting with you in your office, March 11, 1974, we would like to again express our support and appreciation for the manner in which your administration has initiated and worked on a sidewalk construction plan for approached to schools along heavily travelled streets. In particular, we gratefully acknowledge the new sections of sidewalk along High St., from 2nd St. to Hunter Ave.; and from Southdowns to 1st St. The latter serves as an alternative route for students on a portion of the area west of High St. This represents, as we are all aware, merely a beginning on the enormous pedestrian safety problem in the Rogers area.

We, as a P.T.A. Safety Committee, urge you to appropriate further Revenue Sharing Funds for sidewalk construction from the 1974 allocations. We understand that approximately \$72,000 was spent from the \$100,000 sidewalk allocation of the 1973 Revenue Sharing Funds. The remaining money, approximately \$28,000, was placed in the Revenue Sharing Trust Fund. We ask that at least \$28,000 be added to the present projection of \$50,000 for the 1974 sidewalk construction program. It is our opinion that a commitment of only \$50,000 will not allow the present sidewalk construction program to progress at a reasonable rate.

Yours respectfully,


George M. Malacinski
Suzanne Ziemer

Rogers P.T.A. Safety Committee

PETITION FOR MORE SIDEWALK CONSTRUCTION FUNDS FOR APPROACHES TO ELEMENTARY SCHOOLS

Petition sponsored by PTA Safety Committee of Rogers Elementary School
 (Please return petition to either Committee Co-Chr. George Malacinski, 1807 E. 2nd St.,
 or Suzanne Ziemer, 1918 Ruby Lane, by Wed., Mar. 20th for City Council meeting Mar. 21st)

We, the undersigned, petition Mayor Francis McCloskey and the Bloomington Common Council to allocate and approve at least \$50,000. from the remaining unallocated 1974 Revenue Sharing monies of approx. \$250,000., for sidewalk construction in priority areas leading to elementary schools.

NAME(s)	ADDRESS(es)
1. Nancy Lumbley	600 E. Maxwell Lane
2. Janette A. Schwanab	3000 Browncliff
3. Anne S. Lewis	1709 Circle Drive
4. Helen L. Hallyonath	830 Still Avenue
5. Suzanne Ziemer	1918 Ruby Lane
Marilyn Mahler	1015 E. Wylie
Sally S. Mahler	805 Meadowbrook
Jane A. Devins	4223 Saratoga
7. Meredith A. Limohn	4509 Cambridge Ct.
Martha Wailes	1710 Devon Lane
Lakeryl Sandberg	2307 Montebau Court
Martha Packard	5. Walnut St.
Carl R. Moxter	617 S. Tux
Diane Hager	1714 Arden Dr.
Natalie Wpudal	723 E 2nd St.
Karen Hager	3311 Indian Creek Drive
Anne Rippy	809 S. Still Ave.
10. Davis	431 E. Wylie
Gloria Westfall	2222 Browncliff Rd.
Carol Reimess	4201 Cambridge Dr.
Elsa Harik	1926 Dexter St.
Katherine Milcker	1108 E. First St.

Name

Address

- 23. *Jeanette M. Hendry* 1600 S. Clifton
- 24. *Carlene L. Stromborfer* 2711 Rock Creek Ct.
- 25. *Mary Bent* 1315 Longwood Avenue
- 26. *Pat Toyang* 1809 Windsor Drive
- 27. *Veronica Leonard* 1208 Williamswood Dr
- 28. *Daisy N. Rosten* 2920 E. 10th
- 29. *June Bent* 1244 E. Wylie
- 30. *Margie Austin* 4303 Stephens St.
- 31. *Annetta E. Fuchs* 1410 E. University St.
- 32. *Bernice D. Kado* 728 Atwater
- 33. *Caro E. Brown* 1300 N. Jess
- 34. *Nancy S. Boerner* 1213 E. First St.
- 35. *Marilyn Karsan* 3531 Hollywood Drive
- 36. *Francis Wilkoff* 1604 South Clifton Ave.
- 37. *Ruth Pierson* 4235 Cambridge Dr.
- 38. *Elizabeth H. Burnham* 2415 E 5th
- 39. *Mary Skjewski* 2611 E 5th
- 40. *Brenda P. Lehmann* 1018 S. Bellartine Rd.
- 41. *Kathy Russink* 2605 E. 5th

PETITION FOR MORE SIDEWALK CONSTRUCTION FUNDS FOR APPROACHES TO ELEMENTARY SCHOOLS

Petition sponsored by PTA Safety Committee of Rogers Elementary School
 (Please return petition to either Committee Co-Chr. George Malacinski, 1807 E. 2nd St.,
 or Suzanne Ziemer, 1918 Ruby Lane, by Wed., Mar. 20th for City Council meeting Mar. 21st.)

We, the undersigned, petition Mayor Francis McCloskey and the Bloomington Common
 Council to allocate and approve at least \$50,000. from the remaining unallocated
 1974 Revenue Sharing monies of approx. \$250,000., for sidewalk construction in
 priority areas leading to elementary schools.

NAMES

ADDRESSES

NAMES	ADDRESSES
2 Gary M Malacinski	1907 E 2nd
43 CD Peet	600 S. Pose
44 O P Lind Smith	515 S. Pione
46 Mr. & Mrs. Sam Hight	1935 E. 2nd.
47 B J Johnson	1946 E. 2nd St.
48 John Brogna	1817 E 2nd
49 Mrs. J. B. Barnhart	1812 E. Second St.
51 Bruce J. Sumner	1800 E. 2nd
50 Ruth Haph	1706 E 2nd
52 Mary M. Bradford	1702 E 2nd
53 Rita L. Cuffey	522 Eastside Dr,
54 Wm. J. Sturtevant	1608 East Second

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NAMES(S)

ADDRESS(ES)

55	Robert Case	2621 DeKist, Bloomington
56	Marian McNabb	4244 E. Tenth St.
57	Vivian Lewis	1808 Weimer Road
58	Ruth Richardson	RR14 Ellen Rd.
59	Medred Johnson	651 Claves Terr.
60	Jeannette Baird	3209 E 10th, #I-12
61	May M. England	Heritage Woods Rd.
62	John Biggs	1213 S. Brooks Dr.
63	Faye Abrell	806 S. Stull
64	James Oppenlander	R. 1 Box 16 Bloomington, Ind.
65	Sue Bales	2530 Fritzy Dr., Bloomington, Ind.
66	Nancy Hawkins	R.R.#3, Knightledge Rd.
67	Alice Binkley	1006 Atwater
68	Ann Hutsell	810 E. Maxwell Ln.
69	Mama Roger	2907 Stratford Drive
70	Ann Gloye	3616 Esch Court
71	Jan Kaye	1509 Elliston Dr.
72	Deave Gregory	1230 Collinswood Dr.

PETITION FOR MORE SIDEWALK CONSTRUCTION FUNDS FOR APPROACHES TO ELEMENTARY SCHOOLS

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NAME(S)	ADDRESSES
73 Myrna Klein	1900 Viva Drive
74 Vickie McBrean	1924 Viva Drive
75 Sue Jones	2016 Viva Dr
76 Brenda Cole	1908 Viva Dr.
77 Barbara A. Watters	1917 Viva Dr.
78 Robert A. Miers	1316 Nancy
79 Gerald B. Epman	1400 Nancy
80 Lu H. Glucka	1400 Nancy
81 Pauline Glessman	1403 Nancy
82 Robert J. Malcolm	1400 Viva Dr
83 Mrs. Robert L. Stumpner	1300 Nancy St.
84 Mrs. Nelson P. Chitty	1206 Nancy St.
85 Audrey B. Heller	1120 Nancy Street
86 David B. Pisoni	1114 Nancy St.
87 Mrs. Vicki Ratto	1909 Viva Drive

PETITION FOR MORE SIDEWALK CONSTRUCTION FUNDS FOR APPROACHES TO ELEMENTARY SCHOOLS

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NAMES

ADDRESSES

1	Jessie C. Edgerton	1801 E. Maxwell Lane
2	William B. Edgerton	1801 East Maxwell Lane
3	Pamela Parker Donelson	1805 Maxwell Lane
4	Mary Ann Parker	1805 710 South Jordan
5	Patricia Croner	1803 Maxwell Lane
6	Andrea Kalb	825 Eastside Dr.
7	Mrs. M. Edward Kelb	Corner - Eastside Dr. @ Maxwell Lane
8	M. Edward Kelb	Alan Donelson
9	Frank Adams	1805 Maxwell Lane
10	Robert J. Adams	1800 Maxwell Lane
11	Alan Donelson	1805 Maxwell Lane
12	Gary & Kacey Sumell	1919 Maxwell Lane
13	Elsa M. Harik	1926 Dexter St.
14	Eliza F. Harik	1926 Dexter St.
15	Nancy B. White	819 S. Rose
16	Allen R. White	819 S. Rose
17	Loni Pitahi	1515 MAXWELL LA

John Miller

PETITION FOR MORE SIDEWALK CONSTRUCTION FUNDS FOR APPROACHES TO ELEMENTARY SCHOOLS

Petition sponsored by PTA Safety Committee of Rogers Elementary School
(Please return petition to either Committee Co-Chr. George Malacinski, 1307 E. 2nd St.,
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We, the undersigned, petition Mayor Francis McGloskey and the Bloomington Common Council to allocate and approve at least \$50,000. from the remaining unallocated 1974 Revenue Sharing monies of approx. \$250,000., for sidewalk construction in priority areas leading to elementary schools.

NAME(S)

ADDRESS(ES)

105 JOSEPH R. HUGGINS
106 Barbara W. Huggins

1797 E. MAXWELL LA.
1797 E. Maxwell Lane

present projection of \$50,000 for the 1974 sidewalk construction program. It is our opinion that a commitment of only \$50,000 will not allow the present side walk construction program to progress at a reasonable rapid rate.

C) At this time Mr. Malacinski addressed the Council to the question of the previous allocations for sidewalks. The Safety committee asked the Council why this money could not be brought back for sidewalk use. (the \$28,000 that was put in revenue sharing trust fund)?

Council president Ackerman said that it was his understanding that anything that was appropriated in a certain year if it is not spent during that year it returns into this trust fund, and Mayor McCloskey would then have to submit it to the Council for the Council to reappropriate the money.

Councilwoman Zietlow said that the Council should check with the Mayor's Office to see if they had intended to include that \$28,000 in with the \$50,000 for the construction of sidewalks.

Mr. Malacinski said that it was the main emphasis of his committee to try to gain priorities for sidewalks that lead to elementary schools. It was this committee's feeling that the current priority system has as some of its elements considerations other than those that we feel are the most important meaning that sidewalks should be constructed as a first priority in those areas which lead to elementary schools. A sidewalk in the Rogers - Binford area would actually serve several purposes. In addition to actually servicing the elementary school and middle school in that area, it would also service pedestrian traffic down towards the College Mall. Mr. Malacinski stressed the fact that this Committee felt that sidewalk priorities should be according to elementary schools as well as with regard to these other considerations.

The Committee felt that the present allocation of \$50,000 does not reflect the best priorities and does not reflect a sufficient amount of money to do the job.

Councilman Behen asked if Mr. Malacinski would have gotten the same amount of signatures for his petition if he had told the property owners that they would have to pay half for the sidewalks?

Mr. Malacinski said that they had discussed this in great length and that it was this committee that went before the Board of Public Works with the fifty-fifty proposal. That proposal was rejected by the Board of Works one month ago. It was the position of this committee that in fact what the city could do with

its sidewalk money was to get more mileage out of it by either using the revenue sharing fund exclusively to fund sidewalks on a fifty-fifty basis or as the committee proposed as a compromise plan to perhaps, construct some sidewalks with full city funding, using some of the revenue sharing money on a fifty-fifty split. It was with this plan that this committee began campaigning for sidewalks in the Roger School area. It is this committee's opinion that in that section of the city these home owners would be quite willing to pay fifty-fifty. In answer to Councilman Behen's question Mr. Malcinski said yes the committee had discussed this plan with the people who signed this petition.

Councilwoman Zietlow asked if Mr. Malcinski could tell the Council why the Board of Works did not want to make this commitment.

Mr. Malacinski said that the Board of Works felt that a fifty-fifty type of arrangement would impose financial burdens on some home owners who could not even pay a 10-90 split with the city. They felt that the complications resulting from this would be too much of an effort to be even worthy of an attempt. Mr. Malcinski explained that one would be asked to make certain value judgments as to which area of the city should be given fifty-fifty and which areas should be given full funding. The Committee suggested that the City use about 10% of the revenue sharing money for a trial sidewalk constructed on this fifty-fifty plan. To see what the reaction would be of the rest of the neighborhoods.

Councilman Fix suggested that the Council look at the sidewalks all over the City.

Mr. Malacinski said that revenue sharing will not even go far enough to encompass the priorities that they have at the moment.

Council President Ackerman said that he felt everybody agreed with Mr. Malcinski that the major priorities should be in getting sidewalks to the elementary schools. But that the way the system is now being planned does not conform to that policy?

Mr. Malacinski said that basically it does. The question becomes how does one define a corridor to an elementary school. For example the proposed sidewalk on the

apartments out on 10th Street
 it turns out that sidewalk the
 city has purposed to fund 100%.
 There is only a section of the
 sidewalk to which there is no
 gateway and there is no exit the
 only people who will be ably to
 use that sidewalk will be adults
 who will be able to cross the
 street. Pedistrian traffic
 during school hours will not
 be able to make good use of the
 sidewalk. It becomes a very
 complex issue as to how one
 draws up corridors. It was
 the committee's feeling that an
 objectively orientated group
 could do a good job of this.
 So with a few compromises they
 could draw the appropriate
 corridors along streets where
 people would be willing to pay
 fifty-fifty in some instances.

NONE

NONE

NONE

Councilman Towell moved that
 the meeting of March 21, 1974
 be adjourned. Councilman Behen
 seconded the motion.

The Council meeting of March 21,
 1974 was adjourned at 9:30 p.m.

OTHER NEW BUSINESS

UNFINISHED AND
MISCELLANEOUS BUSINESS

EXAMINATION OF CLAIMS

ADJOURNMENT

James S. Ackerman

 James S. Ackerman
 President
 Bloomington Common Council

ATTEST:

Julaine Thomas

 Julaine Thomas, secretary

RESOLUTION NO. 74- 17
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;

SPECIAL FUND

PARKS & RECREATION

From 3 Supplies
 37 Other Supplies \$300.00

To 31 Fuel & Ice \$300.00

APPROVED: March 21, 1974

APPROVED: March 22, 1974

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

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

RESOLUTION No. 74-18

TEMPORARY LOANS

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 advance of funds for the purpose of cash operating balances, such advances to be secured by a pledge of taxes to be received which are not otherwise allocated, to-wit:

FROM: Local Road & Street Fund \$45,000

TO: Parks & Recreation Dept...\$10,000
Rosehill Cemetery 10,000
Police Pension Fund 10,000
Fire Pension Fund. . . . 15,000

APPROVED: March 21, 1974

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

APPROVED: March 22, 1974

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

RESOLUTION NO. 74-20
INVESTMENT OF FUNDS

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 yielding the highest rate of interest obtainable, or into Certificates of Deposit with local Banks, all consistent with safety, to wit;

FUND	AMOUNT	MATURITY DATE
Sewage Operating Fund	\$70,000.00	30 Days

APPROVED March 21, 1974

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

APPROVED March 22, 1974

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