

In the Council Chambers of the Municipal Building, on Thursday, May 16, 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, Flo Davis, James S. Ackerman

ROLL CALL

Francis X. McCloskey, Mayor of the City of Bloomington; Martha Ellen Sims, City Controller; James Regester, Corporate Council; Larry Owens, City Attorney; Bill Wilson, Director of Parks and Recreation; Jim Wray, Director of Transportation;

CITY OFFICIALS PRESENT

About 50 other people including members of the press

OTHERS PRESENT

Councilman De St. Croix moved that the minutes of April 18th and April 4th be approved as submitted. Councilman Behen seconded the motion

Minutes  
4/4/74 4/18/74

Councilman Mizell said that he had a comment on the minutes of April 18th. It seems that our recording machine broke down towards the end of the hearing on Fountain Park rezoning. At the end of that was lost a comment that I made that I would like included in the record. That is that the land that was under consideration at that time was given a zoning designation last June when the new land use maps and zoning ordinances were approved and since that time the conditions have not changed if anything they have become less desirable, there has become an increase overload in the road and so on and therefore I felt that there was no justification to increase the use density by approving the rezoning.

Councilpresident Ackerman said thank you and we will have that included in the record.

Councilman De St. Croix said that in the minutes where Mr. Rechter made a presentation to the Council discussing MVH funds and how MVH funds paid for the cost of road maintenance after that I asked Mr. Wray whether or not those funds did cover the cost of road maintenance and was told that was so and if I remember correctly I pointed out that we spent \$150,000 of revenue sharing money for those purposes and that the MVH funds were not adequate to meet the needs of the City. I would like to have the clerk make sure that that portion of the tape is included in the minutes.

Councilpresident Ackerman asked to call to the attention of the Council that

we have been asked to read into the record an amended amendment of Ordinance 74-25. The ordinance had to do with parking here in the Municipal Building. We at 11:30 in the evening read in an amendment which would guarantee metered parking spaces, public parking spaces, 23 metered parking spaces. The way the amendment was read was a maximum of 45 parking spaces would be allowed for city employees here in the municipal building. The fear was that somehow the other 23 spaces would be lost. So a suggested amendment has been read in. Since these minutes are not totally there because of the tape machine not working that day I would like to get, if the council goes along with it, this updated version on our decision of this ordinance.

Councilwoman Zietlow said that she made the amendment and that her intent was to say that there would be no fewer than 23 metered spaces.

Councilpresident Ackerman asked if the sense of the Council is something like the following: That there shall be not less than 23 parking meters erected on municipal lot #6 and where such parking meters have been erected the charge will be five cents per 30 minute period or part thereof and 10 cents per 60 minute period for the use of each space and no person shall park a vehicle in any metered space for a period of time longer than 60 minutes for the period between 8:00 a.m. and 5:00 p.m. for anyday except Saturdays Sundays and public holidays, In all other spaces which shall not number more than 45 the parking time limit and conditions shall be designated by signs erected and giving notice thereof.

Councilman Behen moved that this amendment be included in the minutes for the updated version of Ordinance 74-25. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Councilwoman Zietlow moved that the minutes be approved as amended. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

Councilman De St. Croix moved that the agenda be expanded to include Ordinance 74-38 for second reading and Ordinance 74-39 for first reading. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Mayor McCloskey said that he would make a very brief several comments. I know the administration as a whole and particularly the City Council, Utilities Service Board and the Mayor's Office are very concerned that if at all possible that another decision be made in regards to the water tower that is proposed in the Red Bud area. I would like to announce that tomorrow morning the president of the common council, the chairman of the Utility Service Board and the Utility's Director, Gary Kent will be meeting with a high ranking University official to constructively discuss other alternatives. I am very hopeful that something good will come out of that and I do think it would be to everyones benefit if it were resolved to be on another site. There has been a lot of talk around the community in the last two months as to problems of low income youngsters having access to our park facilities, particularly the schools. The CAP people have had a hearing on this and the points brought up by CAP and various social service agencies in this regard are very well taken so in light of that I have talked to Parks Director Wilson and three members of the Park Board to work out some sort of system where low income youngsters who do fit those guidelines will be allowed free general access to the pools and other park facilities. Of course this means they would not be restricted to various times free of charge as is the case right now. I am sure we will have a good faith effort by the Park Board and Director Wilson to work something out in this area. As to another item on tonights agenda the bus funding resolution I would note that various community leaders including the Chamber of Commerce, and prominent newspaper editor and some individual citizens have asked for more detailed financial analysis. I think there has been fairly substantial financial analysis of the proposal however, I think various things are lacking. Particularly the exact status of cumulative capital accounts, the revenue sharing subsidy and so forth. Indeed we may have to have another look at the access evaluation figures with the annexation program going on. So with that in mind with a goal shared by all members of the Council to inform all members of the community in as much detail as possible I am very hopeful that will be postponed for at least two weeks before it is considered. I think the fact that Councilpresident Ackerman and several other people would get together about a week before that time we could give the community total detaied financial package. Martha Sims and Walter Sword, one of her assistants, are working on this

area right now. I do not think that we have enough detailed information to give the go on this right now. Other than that I would like to say I think it was a happy day for the City of Bloomington. The Common Council, Me and a lot of people around town have seen the water lines starting in the Miller Drive Area. I would say that is only the beginning of the commitment I think it is obvious that we could do a lot with \$400,000 over the next three years as to water and sewage lines but when the community development revenue sharing comes in January 1st which is just about a certainty, We will have to take a major portion of that and devote it to housing subsidy also making sure that the people in that area and other areas of town have better housing conditions. I do think that things are moving and to everyones benefit.

Councilpresident Ackerman said that it is the intent of the Council since it was advertised in the newspaper that there would be a discussion of the public transit resolution. It will be read and introduced tonight and it will be discussed for 20 minutes anyone that has new input that was not given at the public hearing that was held two days ago we would welcome public input. I should not speak for the Council but it may very well happen that a final decision will not be made tonight the resolution will be tabled. For those of you who did come to speak on the mass transit application you will have an opportunity to speak tonight.

NONE

Councilman Towell moved that Ordinance 74-29 be introduced and read by the Clerk by title only. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

In the absence of the City Clerk Julaine Thomas introduced and read Ordinance 74-29 by title only.

Mr. Register explained that this property is located along the east side of Curry Pike and north of Otis Elevator Company. It takes in all of the real estate owned by Cook Inc. We think it has all of the requirements for annexation at this point. Mr. Register called special attention to the third description in the ordinance that it accepts five acres this is because that land has already been annexed by a former owner. It is now part of the City. Mr. Register showed maps of the property to be annexed.

MESSAGES FROM  
COUNCILMEMBERS

Ordinance 74-29  
Annexation of  
Cook Inc.

Councilman Towell moved that ordinance 74-39 be introduced and read by the Clerk by title only. Councilman Morrison seconded the motion. The motion failed from a lack of a unanimous voice vote. Nay: Councilwomen Zietlow

Ordinance 74-39  
Electrical Code

Councilman Towell moved that Ordinance 74-39 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

In the absence of the City Clerk Julaine Thomas introduced and read Ordinance 74-39 in its entirety.

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

Appropriation Ord 74-10  
Drug and Alcohol  
Services Center

In the absence of the City Clerk Julaine Thomas introduced and read Appropriation Ordinance 74-10 in its entirety.

Councilpresident Ackerman explained that this appropriation ordinance is for the purchase of a drug and alcohol Services Center on the corner of 7th and Rogers.

Councilman De St. Croix moved that Ordinance 74-28 be introduced and read by the Clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-28  
Correct the City  
Code by adding a  
penalty omitted  
during codification

In the absence of the City Clerk Julaine Thomas introduced and read Ordinance 74-28 by title only.

Councilman De St. Croix moved that Ordinance 74-28 be adopted. Councilman Morrison seconded the motion.

Councilpresident Ackerman explained that this ordinance is adding a penalty clause of a fine up to \$300 and imprisonment up to ten days for people whose dogs who run at large on the premises of others.

Councilman De St. Croix said that he would like to point out that this is not a new ordinance. That these penalties were a part of the City Code and were inadvertently not included in the recodification of the code in 1970. So all we are doing is correcting the codification process. It was discovered that these penalties were not included in the recodification process. This

is a clerical error.

Councilpresident Ackerman said that the Animal Control Commission is in the process of going through all of the animal control laws and trying to update them to bring them to the Council for an overall updating of these codes. We would also be working on that penalty. It might be appropriate to refer this back to the Animal Control Commission for their recommendation.

Councilwoman Zietlow asked the City Attorney if there was not a penalty clause that covers violations of the municipal code generally.

Larry Owens, City Attorney, said that there is a general penalty clause up to a \$1,000 fine and 60 days in jail.

Councilman De St. Croix said that with all due respect to the Animal Control Commission I would like to point out that that same commission has had a long opportunity to deal with the problem of animals running at large in the community. If they are in fact going through a reevaluation of the existing code and determining what would be appropriate I would submit that it is important that we have this in the meantime so that when they do determine what they are going to do and when they are going to do it we do have something on the books and perhaps if they don't like this this will be an incentive for them to come before the Council in the immediate future now that it is dog season again.

Councilwoman Zietlow said that she is trying to figure out why the Animal Control Commission wants only a \$300 fine and up to 10 days in jail when we could have a \$1,000.

Councilpresident Ackerman said that the Animal Control Commission is asking for permission to review this. This was something that was put into the law books many years ago and it was left out by omission. This is not coming through the Animal Control Commission. A penalty clause will be in effect during this interim period and it will be in fact a higher penalty.

Councilman Towell asked what this phrase means "an owner of a dog who allows that dog to run at large or upon the premises of the other" what is this allow. How would that be construed. If it were an accident, does it have to be intentional.

Mr. Register said that when somebody is guilty of a crime there has to be a criminal intent.

Councilman De St. Croix asked Mr. Register if it was criminal intent not to have a dog on the leash knowing full well that is against the city's leash law.

Councilman Towell said that it is not against the leash law if it is on your property.

Councilman De St. Croix asked when can this Council expect the Animal Control Commission to come before this Council with some recommendations.

Councilpresident Ackerman said within the next two months. Reminding you that there is an overall penalty clause in affect.

Councilman De St. Croix said that is the second meeting in July.

Councilpresident Ackerman said yes.

Councilman De St. Croix said to Councilpresident Ackerman that as the Council liaison to the Animal Control Commission do you promise this.

Councilpresident Ackerman said that he has made other promises to the Women's Commission and that he was getting more and more reluctant to make promises.

Councilman De St. Croix moved that Ordinance 74-28 be tabled. Councilman Towell seconded the motion.

Councilwoman Zietlow said that it was not worth tabling because it was not going to be as effective of an Ordinance.

Councilman De St. Croix said that it may be more than what the Animal Control Commission gives us though.

Councilman Towell said that he feels that this ordinance is violated by every dog owner plus the stray dogs in the whole City and that any enforcement of this would be arbitrary aimed at certain individuals and not generally enforced. So I really wonder if we entend to have this kind of a rule or not. I would like to see that considered by the Animal Control Commission.

The motion to table Ordinance 74-28 was carried by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilman Behen said that at the suggestion of the Mayor Appropriation Ordinance 74-9 was suggested to be tabled. We skipped across that. Is there not to be a vote on that.

Councilpresident Ackerman said that no ordinance was submitted to us.

Councilman Behen said that it was on his Agenda.

Councilpresident Ackerman said yes but it never appeared.

Councilman Behen said that it is on the Agenda that he received and he assumed that would be forthcoming because it is on the Agenda.

Councilpresident Ackerman asked if the attorney could give us a rule if we could have a first reading on an ordinance that has not been written.

Mr. Owens said no.

Councilpresident Ackerman said that it was the hope of many people that this appropriation ordinance would be here tonight and we were holding a place on the agenda should it appear.

Mr. Jim Wray, Director of the Department of Transportation, said that he saw a copy of the ordinance tonight and that it was to have been submitted.

Councilpresident Ackerman said that we should try to find one of those and than introduce that and then may be table it..

Councilwomen Zietlow said otherwise we are going to use up the numbers and we will throw it all off.

Councilman De St. Croix moved that Ordinance 74-30 be introduced and read by the clerk by title only. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-30  
annexation of  
Meadow Park

In the absence of the City Clerk Julaine Thomas introduced and read Ordinance 74-30 by title only.

Councilman De St. Croix moved that Ordinance 74-30 be adopted. Councilman Towell seconded the motion.

Mr. Register explained that the land covered by this ordinance lies on the east side of Smith Road and north of the railroad, South of Eastern Heights. It takes in Meadow Park and it is a voluntary annexation at the request of the owner.

Ordinance 74-30 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilman De St. Croix moved that Ordinance 74-31 be introduced and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-31  
Annexation of  
1600 West Third

In the absense of the City Clerk Julaine Thomas introduced and read Ordinance 74-31 by title only.



Councilman De St. Croix moved that Ordinance 74-31 be adopted. Councilman Behen seconded the motion.

The land covered in this ordinance is owned by Mr. Curry. This is a voluntary annexation. Lies on the west of Adams Street and on the North of Third Street. It is a piece of real estate on which a business building is being constructed.

Councilpresident Ackerman asked if the land on both sides pretty much within the City limits.

Mr. Register said yes.

Councilwoman Zietlow said that it is already serviced by sewage and water.

Mr. Register said yes it is.

Ordinance 74-31 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0;

Councilman De St. Croix moved that Resolution 74-29 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-29  
Use of Parks &  
Recreation facilities  
by low income people

In the absence of the City Clerk Julaine Thomas introduced and read Resolution 74-29 in its entirety.

Councilman Morrison said that we have two gentlemen sitting in the audience, Rev. Ernest Butler and Wilbur Miller have presented me with a Resolution. Councilman Morrison felt that it was very important that the Agenda be expanded to include this Resolution. Because it will give these people the opportunity to work faster to give more people adequate housing.

Councilpresident Ackerman said that the Council would consider that as a formal motion as soon as they have finished with the motion on the floor.

Councilman De St. Croix moved that Resolution 74-29 be adopted. Councilman Morrison seconded the motion.

Councilwoman Zietlow moved that Resolution 74-29 be amended in every instance where we have Department of Parks and Recreation to include Board and Department of Parks and Recreation. Councilman De St. Croix seconded the motion.

RESOLUTION NO. 74-29

WHEREAS, the Board and Department of Parks and Recreation is authorized to administer the parks and recreational facilities of the City of Bloomington, and

WHEREAS, the parks and recreational facilities of this City are an essential and beneficial asset to the City, and

WHEREAS, the parks and recreational facilities should be open to the general public and should be capable of full utilization by all segments of the community especially the children of this City, and

WHEREAS, in the past various groups of citizens of this City, specifically low income families, senior citizens and disabled citizens have been unable to fully utilize the park and recreational facilities of this City,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA,

That the Common Council expresses its belief that the parks and recreational facilities of the City of Bloomington are for all citizens of this community and that the Board and Department of Parks and Recreation in administering these facilities should take every step necessary to insure full utilization by people who are not presently able to do so.

approved by  
Council 5/16/74

James S. Ackerman  
James S. Ackerman, Council president

approved by  
Mayor 5/17/74

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

Councilman Towell said that this is just a technical point but in fact it is the Board that is authorized not the Department.

Councilpresident Ackerman said this is correct the Board authorizes the Department to work in a certain way.

Councilman Behen asked if it would be the Boards and Departments decision to ascertain who are and what income level they are declared to be at a destitute level. Will it be up to them to issue passes.

Councilpresident Ackerman said that he interprets this Resolution and especially the amendment to this Resolution is that the Board is being asked to try to work on this problem and come up with an effective way of dealing with the problem given the intent of the Council.

Councilman Behen said that in yesterdays mail he received from CAP information pertinent to this. I was not unaware that there were efforts underway for the past year for something like this to be instigated. In view of the fact that Councilman Behen just received this yesterday and that the Parks & Recreation program doesn't open all that soon. Is this something that we are pressed to do this evening without further discussion of the ramifications of how it should be carried out. The Council won't have any voice in it once we pass it to the Board.

Councilpresident Ackerman said that the swimming season does open at the end of May.

Councilman De St. Croix said that it is year round at Bryan Pool.

Councilpresident Ackerman said that he would like to reserve that discussion until after they deal with this amendment.

The amendment to Resolution 74-29 was passed by a unanimous voice vote.

Councilman Behen asked if this will than be up to the Park Board all of these decisions of who is going to take advantage of park facilities and who will be denied the privilege of park facilities.

Councilpresident Ackerman said that it does allow complete flexibility to the Park Board to solve the problem all that the Council asked that they do in administering these facilities is to take every step necessary to insure full utilization by people who are now not able to do so.

Councilman De St. Croix said that the Council is not telling the Board of Parks & Recreation and Department what to do in terms of a formula. We are suggesting and rather strongly that they ought to come up with a formula that doesn't make swimming available to low income people at a reduced rate from midnight to 2:00 a.m. in the morning or gives senior citizens a discount rate on a trip that cost a \$120 with a 10% discount.

Councilwoman Zietlow said that she feels that the resolution speaks for itself. It is a policy recommendation from the Council to the Board and the Department of Parks & Recreation.

Councilman Behen said that then the family will be the criteria of the child's inability to pay the fee.

Councilpresident Ackerman said that the resolution talks about people who are presently not able to do so the intent would be the family income.

Councilman De St. Croix said that it says specifically low income family, senior citizens and disabled citizens.

Councilwoman Zietlow said that if the Council wants to be very specific about their instructions to the Board we can do that. If we want to allow them to come up with something we can allow that also.

Councilman Towell said that we ought to give them a chance to try to solve it and if this is unsatisfactory we can be more specific.

Councilman Behen said that they would then pass information back to us. Do they take the action.

Councilpresident Ackerman said that they are empowered to take the action.

Councilwoman Zietlow said that there are several reasons why this should be acted on now. For one thing the swimming season does start and golf courses are open more now than in the winter. There are more activities generally in the Parks during the summer. Furthermore budget time is coming and budget considerations have to be made in view of the decisions that the Park Board makes.

Councilman Behen said that he presumes then that the conduct of the people who holds these passes would be under the same type of supervision as anyone else.

Councilwoman Zietlow asked which passes.

Councilpresident Ackerman said that the Council does not even know what the decision of the Park Board will be .

Councilman De St. Croix asked Councilman Behen to clarify his statement.

Councilman Behen said will their conduct come under the same surveillance?

Councilman De St. Croix asked Councilman Behen if he was asking whether or not they will get special privileges.

Councilman Behen said will their conduct be under the same supervision and surveillance as the other people?

Councilwoman Zietlow asked if Councilman Behen meant a life guard.

Councilman De St. Croix said unless you think they are going to act differently.

Councilpresident Ackerman said that he thought Councilman Behen was asking if the people allowed to use the park facilities will have the same kind of supervision and protection.

Councilman De St. Croix asked if the statement being made meant that the low income people who cannot afford to use the facilities might somehow act differently than people who could. Why do we have to determine whether or not they are going to be supervised and controlled the same way.

Councilpresident Ackerman said that if many many more people come in that this will be a major expenditure of the budget for hiring new supervisors.

Councilman Behen said that he would just leave the question as it stands for your own interpretation.

Councilman Mizell said that he would like to speak in favor of the Resolution. Particularly in reference to the discussion that is going on so far. Councilman Mizell felt that it was appropriate for this body to make this recommendation to the Parks Board as an indication of our feeling towards their policy. However at this point it is inappropriate for the Council to make specific recommendations. The Parks Board after knowing how the Council feels will make the proper changes in procedure. If the Council is disappointed with those changes than the Council might consider further action.

Councilman Morrison said that he would like to see this resolution passed for numerous reasons. Councilman Morrison said that in his Council District people range from high income to extreme low income. Councilman Morrison felt that providing this for the children on the west side it goes like the old saying "an occupied mind gives no mischiefness" If we can give these children the free passes their minds will be occupied on constructive business.

Councilman De St. Croix said that the passage of this Resolution will give the Board and Department of the Parks & Recreation the opportunity to quell some suspicions that exist in the community that Councilman De St. Croix hopes are poorly based.

Councilwoman Zietlow said that she would like to stress the senior citizens aspect of this resolution. The majority of senior citizens do have budgetary problems.

A member of the audience said that she felt it was a fine idea.

Mr. Lloyd Alcott, Chairman of the Board of Parks and Recreation, said that they have had considerable discussion with the CAP people. We are working on this situation. Bill Wilson our administrator is working on this very seriously. We will put together the program that the City Administration and the City Council wants. We will work toward giving the City, all economic levels, what you feel and what the city administration feels. This is a serious problem we don't believe that we have ever turned a child down in the 13 years that I have been on the Board. We will work towards the goal that you people set out. We meet here next Wednesday we would like to hear all citizens who would like to give us information. We are not dividing up on sides we are after the same goal. In talking with Mr. Horning and the CAP people we would like to get this situation solved. We also have to have some guidelines and some rules so that we can operate the pools economically and in the best interest of the people of Bloomington.

Councilwoman Zietlow said that this is a statement of intent on the Council. Not only does this include the swimming pools but skating is a very important activity in this community and is prohibitively expensive.

Councilman De St. Croix said that it is not a question of fees alone it is a question of access, framing a structure that reflects an attitude that doesn't make certain groups of people feel that they cannot participate because they are economically disadvantaged. We are not talking about the nickels, quarters and dimes people need for skating we are talking about general policy and attitude and that is something that the Board ought to lay some ground rules for.

Councilman Towell said that if we take the full extent of this policy there are a lot of things that have not been done and that is making sure all of the facilities are really available to people. When Councilman Towell was growing up the tennis courts were always in the other neighborhoods.

Councilpresident Ackerman said that the problem is upon us right now because of the new City bus system which makes the parks much more accessible throughout the community.

Councilwoman Davis said that in tonights paper it lists the hours for which you could sign a child up for swimming if you don't work that is fine. From 11 to 3 were the times given a working mother could not register her child and it is underlined that parents only can register their children for these classes.

Mr. Bill Wilson, Director of the Parks & Recreation Department, said that the hours are from 3 to 6.

Councilwoman Davis said that they were put in the paper incorrectly.

Councilpresident Ackerman said that the hours for registering children for swimming are from 3 to 6.

Councilwoman Zietlow moved that Resolution 74-29 be approved as amended. Councilman Behen seconded the motion.

Resolution 74-29 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0;

Councilman De St. Croix moved that Resolution 74-30 be introduced and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-30  
Opposing construction  
of city water tower  
near Redbud Apartmen :

In the absence of the City Clerk Julaine Thomas introduced and read Resolution 74-30 in its entirety.

RESOLUTION 74-30

WHEREAS, the City of Bloomington must provide an adequate supply of water for its citizens, and

WHEREAS, the existing water storage facilities are not adequate to meet the current and future needs of the City, and

WHEREAS, it is necessary for the City of Bloomington to construct a water storage facility on the east side of the City, and

WHEREAS, in selecting an appropriate site in that part of the City it was necessary for City officials to consult and work with officials from Indiana University, and

WHEREAS, a feasible site for the construction of this storage facility exists on the east side of the by-pass adjacent to the Indiana University golf course

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA,

That the Common Council expresses its belief that the proposed water storage facility should be constructed on the site situated east of the by-pass which meets the necessary engineering requirements and is on land which is not adjacent to residential property and that the City Utilities Board and the appropriate University officials should reconsider this site.

approved by  
Council 5/16/74

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

approved by  
Mayor 5/17/74

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



Councilman De St. Croix moved that Resolution 74-30 be approved by acclamation. Councilman Behen seconded the motion.

Councilman Behen said that he assumed that the Council is of unanimous opinion on this resolution. Councilman Behen said that it strikes him rather strange that elected people who have to answer to the voters should be put into a position of having to even act on a situation of this. Where people are being put in a second place position. Councilman Behen said that if we are going to build obstacles they belong on the golf course.

Councilman Behen said that it seems a shame that when the water tower was ordered that it was not ordered in the shape of a giant golf tee.

Councilman Fix said that back in July 13, 1973 a letter from Black & Veatch discussed the site on the golf course and their comment was that one possible draw back was that this site is heavily wooded and you would need to removed as many as 50 full size trees. This is on the outside of a curve, it is a green belt it can be seen for many feet from each direction that people travel.

A p.s. on another letter of May 13, 1974 was seriously considered by the university. It is a letter from Ted Jones to Gary Kent it says "if you wish to put a sand pipe in for preasure and relocate the resevoir off University property we would be delighted." Councilman Fix asked if this had been taken under serious consideration as to whether it can be done. Councilman Fix said that he did not feel that he should be involved in making a decision one way or another. In such a case Councilman Fix said that he would have to abstain.

Councilman Morrison said that he has seen much larger tanks camouflaged so that you could not see them 50 feet away. If they can do it back in the hey days of the 40's they can sure do it in the hey days of the 70's.

Pam Service, Chairman of the Redbud Apartments Protest Committee, said that the site that is most seriously considered east of the by-pass is on a knoll that would not involve cutting down very many trees. 85 trees have already gone down behind Redbud Apartments and at least that many if not more would be taken down if they build behind Redbud. The question about the curve, that east of the by-pass the tower would be on the outside of the curve and west it would be on the inside therefore driving along the by-pass you would see it perhaps 20 seconds earlier. In addition to travelers commenting on it there are going to be people living there 24 hours a day if it is at Redbud,

These people would be more than just fleetingly thinking of why it was built there. It would be everyday that they would have to think about it. This whole experience has definitely renewed our faith in democratic government. The only group that has listened to us with any sympathy at all has been the City government, The Mayor, City Council and the Utilities Board. Ms. Service thanked the Council for doing this for the Redbud residence and the City Administration.

Rusk Robinson, Bloomington resident, said that he has been following this in the paper and that it was his understanding that if it is built at Redbud this tower will take up play area for the children of Redbud. Mr. Robinson explained that in Europe the cities are forced to use their land conservatively and make the most of the space available. In a European City they built a water tower with a restaurant on top and a swimming pool below. If the University is interested in building a club house they might consider building a water tower club house.

Council president Ackerman said that our Council Aide, Maggie Shaffer, has been working on this for the last three days and does have a statement about the research that she has put together concerning this.

Maggie Shaffer, Council Aide, said that the decision was not made the way in theory decisions are supposed to be made. In other words the impression that the general public has is that the University Board of Trustees fully examined this and made a decision. For the City the various city groups that were supposed to do the deciding did so. What happened in reality was that the people who had the power to make the final decision never got all the information. One of the reasons that a decision that may not be one of the best was made is simply people did not know the full story. What we try to do in the future when something like this arises is see that everybody who is affected has a chance to provide input and we will avoid problems like this. We are trying right now to get a collection of all the correspondence or anything in writing that transpired between the University and the City. The early letters from the City did refer to a site east of the by-pass the Redbud site never came into the picture until rather late in the game. Initially there were three potential sites that the engineers recommended. Yet when this matter came before the Board of Trustees there was only one site and that was the Redbud site. As it was presented to the Board of Trustees they were told that the University and the City had agreed on the Redbud site they merely gave it approval at that time.

Council president Ackerman said that we would present a full detailed information to the University and hope that they will reverse their decision.

A member of the audience said that if we had had a tree ordinance here that it would have stopped that immediately. This is something that she urged very strongly.

Councilman Mizell said that we can assume that the structure once built will be here for a great number of years. Councilman Mizell would like to encourage the people making the decision to investigate the entire matter thoroughly. If the decision was made without being exposed to all of the facts in the case I would encourage these people to pause just for a moment and go back and collect all the data which was available and reconsider it. Therefore Councilman Mizell felt that this resolution was entirely appropriate.

Councilwomen Zietlow said that she went to the Utilities Service Board on Tuesday and that the Utilities Service Board does feel some urgency about the building of the tower. They have given us until Tuesday to inform and reverse the decision of the Trustees. Councilwoman Zietlow encouraged the passage by acclamation of this resolution.

Resolution 74-30 was passed by the Council by ACCLAMATION.  
Abstention: Councilman Fix.

Councilman Morrison moved that the Agenda be expanded to include a resolution to enable the local housing authority and the director of the housing authority to proceed with an application for 250 units of scattered housing. It would be Resolution 74-31. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

Councilman De St. Croix moved that Ordinance 74-19 be introduced and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-19  
Itinerant Merchants

In the absence of the City Clerk Julaine Thomas introduced and read Ordinance 74-19 by title only.

Councilman De St. Croix moved that Ordinance 74-19 be adopted. Councilman Morrison seconded the motion.

Councilman De St. Croix said that he would like to offer some amendments

to this ordinance, Mr. Cockerille was called away and called in and asked Councilman De St. Croix to offer a couple of amendments to the ordinance. Councilman De ST. Croix moved that Section 4.16.070 Deposit or Bond subsection B be amended as follows last sentence. "Funds obtained by the city under this section shall be...Councilman De St. Croix said he would like to strike the words placed in the city general fund and insert the following wording...held for the satisfaction of judgements by buyers against that seller for a period of 365 days. Councilman De St. Croix withdrew his motion.

Councilwoman Zietlow moved that Ordinance 74-19 be amended in section 4.16.050 (a) "That a corporation for which the applicant is an agent or employee has acquired one of the following 4 items in subsection (a) from the Indiana Secretary of State. Councilman Towell seconded the motion.

Mr. Gary Goodgion explained that in this particular section we neglected to say that you only need one of the four items. It is an absolute impossibility to obtain all four of these. That would mean that you would have to be both an in state and an out of state corporation both profit and nonprofit so the intent of this amendment which is one of the four items in subsection A is to clarify that only one of the four items is necessary.

Councilman Towell said that was rather straight forward and called for the question on the amendment.

Amendment to Ordinance 74-19 was carried by a ROLL CALL VOTE OF AYES 8; NAYS 1;  
Nays: De St. Croix

Councilwoman Zietlow moved that Ordinance 74-19 be amended in section 4.16.070 (b) last sentence: "Funds obtained by the city under this section shall be held for 365 days to satisfy claims against the seller which have been reduced to judgment. Upon the expiration of 365 days any remaining funds shall be placed in the city general fund." Councilman Towell seconded the motion.

Councilwoman Davis asked how many amendments there were.

Councilpresident Ackerman said that there were five of them.

Councilwoman Davis asked why they didn't just table the ordinance until they get it streight.

Councilwoman Zietlow explained that we have the ordinance on the floor and it cannot be changed until it is amended. It has to be amended on the floor.

Mr. Goodgion said that this is just the intention of clarifying that the bond which is originally given to the city controllers office will be held and can be used to satisfy any judgments which are made against the seller. This is just a point of clarification.

Councilman Morrison said that he did not really fully understand this bonding. Is this for street peddlers, door to door sales man. Councilman Morrison asked if this would conflict with the federal law.

Mr. Goodgion said that it would not.

Councilpresident Ackerman asked the Council to restrict discussion of the general ordinance until they got throught the amendments.

The amendment to Ordinance 74-19 passed by a ROLL CALL VOTE OF  
AYES 8; NAYS 1;  
Nays: Councilman De St. Croix

Councilwoman Zietlow moved that section 4.16.080 is deleted and that section 4.16.090 becomes section 4.16.080. Councilman Towell seconded the motion.

Mr. Goodgion said that what was intended was to delete the second paragraph of 4.16.080 because at no point in the ordinance other than in this paragraph does it specify the length of time the license would be valid. The section should read 4.16.080 30 day validity--renewal A license issued under this chapter is valid for a period specified by the individual, up to 30 days.

Councilwoman Zietlow revised her motion to read that ordinance 74-19 be amended to delete the second paragraph of section 4.16.080. Councilman Towell seconded the motion.

Councilwoman Zietlow asked if this means that we do not have to specify the renewal procedure.

Mr. Goodgion said that there would be nothing on the renewal procedure they would simply have to get a new license.

Councilwoman Zietlow said that the license is good for 30 days and than you go through the whole process again.

Mr. Goodgion said that is correct.

Mr. Goodgion said that the problem with this is really with the bonding companies.

Councilwoman Zietlow said that they feel that the whole procedure should be gone through again.

Mr. Goodgion said that once you get a bond it is for a specified period of time and if the person was here for 30 days and then wanted to renew he would in fact have to get another bond anyway.

Mrs. Sims said that every bond that we have ever had is always for a year. All of our bonds are good for a year.

Mr. Goodgion said that you cannot go on the original bond. To have the bond run a full year beyond the time of their sales

Mr. John Irvine said that in the original licensing they go out and solicit sales and then they come back they show how much goods they have solicited throughout the community than they post bond against those goods so that the consumers know that they are going to receive the goods. Renewal purposes so that you cannot have new solicitation going on running against the bond of previous goods solicited. It makes sense to take out a whole new process so that you always have your consumers covered.

Amendment to Ordinance 74-19 passes by a ROLL CALL VOTE OF AYES 7; NAYS 1; one abstention: Councilman Morrison  
Nay: Councilman De St. Croix.

Mr. Gary Goodgion said that the next amendment would be section 4.17.020 first sentence "A representative of a corporation, association, or other organization or any other individual who, in a public place or at the private residence of another, accepts payment for goods which he simultaneously delivers to the buyer, violates this chapter and is subject to the penalties provided by § 1.01.130 of this code unless licensed or exempted from licensing as provided by this chapter.

Councilpresident Ackeman said that is not the way it was handed to us in the amendment nor is it the way it was in the original.

Councilwoman Zietlow moved that Ordinance 74-19 be amended to read in section 4.17.020 first sentence "A representative of a corporation, association, or other organization, or any other individual who in a public place..."  
Councilman Behen seconded the motion.

The amendment to Ordinance 74-19 was passed by a ROLL CALL VOTE OF AYES 8; NAYS 1  
Nays: De St. Croix

Councilwoman Zietlow moved that Ordinance 74-19 be amended to read in section 4.16.070 (b) first sentence: "if the seller does not comply with § 4.16.070 (a)," Councilman Behen seconded the motion.

The amendment to Ordinance 74-19 was passed by a ROLL CALL VOTE OF AYES 8; NAYS 0. Nays: De St. Croix.

Councilwoman Zietlow moved that Ordinance 74-19 be adopted as amended. Councilman Behen seconded the motion.

Councilman Behen moved that Ordinance 74-19 be tabled because it is so disorganized. It has been changed since the Council has had it in their hands.

Councilpresident Ackerman asked someone to comment on the overall substance of the amendments that were just made. This new amendments do confuse me.

Mr. John Irvine said that in essence what the ordinance is designed to do is to allow those people who purchase from door to door salesman to be secure in their purchase and if they check to see if the person is license they will know that if they do not get the goods as they are presented to them they will have someone that they can go against to get back their purchased products. The problems and the reasons that it becomes so complex is that you have a tremendous equal protection problem built into this ordinance and that you still have to allow the girl scouts to solicity. The Council does not want to stop cookie sales or candy drives you also have the service clubs that under take certain kind of drives. We tried to build in protection for these groups and at the same time protect the consumer from some very unscrupulous door to door salesman. Mr. Irvine felt that they had achieve that it has been a delicate thing.

Councilwoman Zietlow said that it has been worked on off and on now for over a year. It developed out of a number of complaints in the community from people who were really being taken. Especially magazine salesman. The ordinance was drawn up in conjunction with the chief of police, the controller, with consultation with the auditor. In the course of the year about 30 different people have been involved in the drafting of the ordinance.

Mrs. Sims said that she has objected all along as to the way that we can controll this. Mrs. Sims said that she would prefer that it be much more simple, down to earth.

Councilpresident Ackerman asked what proof do you have when the merchant comes back after he is done with his sells. What proof do you have that the receipts that he shows you is the total amount of receipts that he has collected in Bloomington.

Mrs. Sims said that he is not going to come back.

Councilpresident Ackerman said that he will have left a \$500 bond.

Mrs. Sims said that the bond will probably have cost the company \$5.00. What is a \$500 bond you can get a \$500 bond for a year for \$5.00.

Councilwoman Zietlow said that the people who complain can collect.

Mrs. Sims said that we have had the bond there all the time.

Mr. Irvine said that if they don't come in and they do solicit we can point out that as soon as our office gets the complaint at least we can suggest that they call the chief of police and they can go out and be apprehended. You can argue that we have that same thing now. The ordinance that we have now violates the equal protection clause and is invalid. We have tried our best to make this one legitimate.

Councilman Morrison asked if the people who sell Avon have to post a bond.

Mr. Irvine said no.

Councilman Morrison asked if this just referred to out of town people who want to sell merchandise.

Mr. Irvine said yes.

Councilpresident Ackerman said that the purpose of this ordinance is to protect the people of Bloomington against out of town people who come in and collect money for merchandise that they do not deliver at that particular time and than leave without every delivering the merchandise. It seems that this is a very important legislation for the City of Bloomington. There are still some uncertainties regarding the overall nature of the ordinance.

Councilman Towell moved that Ordinance 74-19 be tabled. Councilwoman Davis seconded the motion.

Councilwoman Zietlow asked for a time limit on that.



Councilman Towell changed his motion to Ordinance 74-19 to be tabled until the next Council meeting, with the consent of his second.

The motion was carried by a unanimous voice vote.

Council president Ackerman said that he wanted to express his appreciation to the people who worked so hard on this ordinance.

Council president Ackerman said that the Council has selected Councilman Al Towell to be the council representative to the Economic Development Commission as a way of dramatizing the broad support of economic development in this community and as a way of representing the Council's interest that the broad segment of the Bloomington community does benefit from the economic development which we hope will be forth coming.

PETITIONS AND  
COMMUNICATIONS

Councilman Mizell said that he has a message which is a message from a councilmember but in part a petition from the Plan Commission. It was brought to the Plan Commission at the last meeting that there are a number of business establishments in the community who are dressing themselves up by adding landscaping, flowers and shrubs and so on to their establishments. Some official notification of that should be made it was thought that perhaps the Plan Commission would but than on further discussion it was determined that it might be more appropriate for the Council to designate some sort of improvement of the month of perhaps encourage the Chamber of Commerce to come up with some kind of award of that type.

Mr. Stroh said that the Chamber of Commerce did institute a program of recognizing businesses which had significantly improved their properties and we do present them with certificates and added publicity in the newspaper. That program is under way and has been for about six months now.

Council president Ackerman said that the improvements are very noticeable and was pleased that these people were being recognized and hoped that the Council could back up that kind of recognition.

Councilman De St. Croix pointed out that the Environmental Commission has a subcommittee called the Beautification subcommittee. Clearly the Environmental Commission has been directing its efforts elsewhere and I would really appreciate it if they would direct it toward some positive approach toward people who are trying to do something in the community.

Councilman Mizell said that if the Chamber is continuing this program that this would be adequate.

Councilman Mizell encouraged the newsmedia to publicize the awarding of these awards.

Councilpresident Ackeman encouraged the people of Bloomington to patronize those businesses.

Councilpresident Ackerman said that he patronizes those stores that support the programs that benefit this community.

Councilwoman Zietlow said that trees can be bought for beautification through the Board of Public Works and that the Street Department will plant them. Especially in the down town area.

Councilman De St. Croix moved that ordinance 74-35 be introduced and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-35  
Amending Title 20  
Historic Buildings &  
Structures

In the absence of the City Clerk Julaine Thomas introduced and read Ordinance 74-35 by title only.

Councilman De St. Croix moved that Ordinance 74-35 be adopted. Councilman Towell seconded the motion.

Councilman Mizell explained that this is briefly an amendment to the zoning ordinance that would occupy a reserved title which would concern itself with historic buildings and structures, preserving these, setting up a commission which would determine whether or not changes would be appropriate to these historic structures and so on.

Councilpresident Ackerman asked if having a committee such as this if it would bring in federal funds.

Councilman Mizell said that it was set up along guidelines of a number of titles that were anticipated in the state legislature unfortunately these were not passed. This is modeled after these.

Councilman Towell moved that Ordinance 74-35 be amended 20.09.0401 retitle that Membership: Appointments, and substitute the following sentence: The members of the study committee shall consist of five persons, three of whom shall be appointed by the Mayor, and two of whom shall be appointed by the Council. When possible one member of the study committee shall be an architect. Down to the final sentence: The members of the study committee shall be members of the planning jurisdiction of the city of Bloomington. Councilwoman Zietlow seconded the motion.

Councilpresident Ackerman said that the motion changed the mode of making appointments to this study committee on historic sites and structures by giving three appointments to the Mayor, two to the Council asking that one of those five appointments be an architect. It is deleting that one member shall be a member of the Monroe County Historical Society and that another one shall be a representative of the council of neighborhood associations.

Councilman De St. Croix asked if that also deleted subject to confirmation by theCommon Council of the Mayorial appointments.

Councilman Towell said yes.

Councilman Towell continued is amendment on the next section: the title will be the same the first sentence would be the same and than: to establish the study committee the Mayor shall make one one year appointment, one two year appointment, and one three year appointment. The Council shall make one two year appointment and one three year appointment. Councilwoman Zietlow seconded the motion.

Councilpresident Ackerman said that with the permission of the Council he would like to consider those two amendments together.

Councilman Towell said that he would like to be less restrictive about who can be on the committee and retain only the architect requirement if possible. Than share the appointments between the Mayor and the Council in an equitable way.

Councilman De St. Croix said that he was in favor of the amendment.

Councilpresident Ackerman said that this is not to be taken as any condemnation of any of the groups that are being excluded. Just that we have found in the past with the Animal Control Commission that it is unwise to build into legislation membership from any particular group where we don't know what the future of that group in the community might be.

Councilman Morrison said that he was on the Historical Commission for the NDP Program. We ran into numerous of problems. As Councilman Morrison saw in this ordinance than the committee designates a certain area as a historical site.

Councilpresident Ackerman asked if this was speaking to the amendment of the makeup committee.

Mrs. Jenkins spoke against this amendment. Her voice was not clear on the tape so I was not able to transcribe.

Councilwoman Zietlow said that removing that requirement does not preclude their membership of people from these societies.

Mrs. Jenkins said that this would make the requirement that an architect be a member. If an architect is not available someone from the historical society might have the background.

Councilman Fix suggested that the appointment of the architect be one of the three appointments from the Mayor.

Councilpresident Ackerman said that that should be specified.

Councilman Towell said with the permission of his second he will change that sentence to read :  
Where possible one member of the study committee shall be an architect or other technically qualified person to be appointed by the mayor.

Councilman De St. Croix said that in order for people to serve on this they will have to have an interest. Whether or not they belong to the historical society of the neighborhood association does not require professional expertise as far as an interest. That same requirement would hold for anybody before we appointed them to serve on this study committee. However we are requiring that at least one of those people have a specific type of training, skill and background in the field that may be necessary for the study committee to perform its function.

Councilman Mizell spoke against the amendment as it is being proposed because the interpretation has been to limited. The second sentence says when possible at least one member shall be an architect, one member shall be a member of the Monroe County Historical Society. If it is not possible you certainly are not constrained to have an open chair on that commission.

Councilman De St. Croix pointed out that as a legal term possible is a poor choice of words. Councilman De St. Croix said that Mr. Register could prove to the Council that if there is a living member of the Neighborhood Historical Society and a living member of the Council of Neighborhood Association that it is indeed possible that both of those members be appointed to this study committee.

The amendment passes by a ROLL CALL  
VOTE OF AYES 8; NAYS 1.  
Nays: Mizell

Councilwoman Zietlow moved that Ordinance 74-35 be adopted as amended. Councilman Towell seconded the motion.

Councilman Morrison asked for a point of information. When they were going into the NDP program on the west side in our findings we found that the City of Bloomington had no historical ordinance and the state had a non existant as a model. We do have the national registry for historical sites. Councilman Morrison's point was if this committee designates a certain building or certain home as a historical site, this home or building has to qualify with the state or national registry in order to obtain relief or monies to help restore the home. This committee has to be sure that the site they pass can be registered with the national registry.

Steve Richardson said that the state law to which the power they are writing this ordinance states: "nothing in this act contained shall be construed as a restriction or a prohibition on the state or any of its political subdivisions including but not as a limitation municipal governments. From by-law or ordinance duly inacting setting aside sites, memorials, edifices and monuments in commemoration of persons or objects of historic or architecture interest or value as part of the citizens heritage." There are certain buildings of merit for the national register. There is not and I don't think what we are talking about are a series of buildings which would necessary qualify for the national register. What we are asking for is the ability to set up a study committee to go in and take an inventory of buildings, compile histories, what is the make up or architecture structure. More or less compile our own register and the possibility of creating incentives through our own zoning ordinance. We will be pursueing state funds through the Department of Interior for those buildings which would have national merit. Presently the State is not in full compliance with the regulations of the Department of Interior to qualify. The two bills that were pressed through legislature this year and died in the Senate. Those were the federal monies for the State of Indiana at a request of about five million dollars a year we received about \$900,000 for all of the buildings and many of those go on other locations. There may be some buildings here which we can push toward the national registry, they may not be buildings. There are the stone hedges on Maple Grove. We have talked to these people about having the Carnegie Library placed on the national registry.

Councilman Morrison said that if the committee designates a certain home

or a certain building as a historical site to be preserved for the City of Bloomington. If he is willing to own the property and devote his time to it Councilman Morrison felt that the Planning Department and the Engineering Department should give the person all the assistance that is possible free of charge.

Mr. Richardson said that would be one of their great interest. This year the city has made an application to the national endowment of the arts for city option programs under their environmental and architectural program. Those grants this year are limited to \$50,000 and it is thought that they may be increased in some cases and they are open to organizations. If we say the city as an organization the political subdivision could apply for it and perhaps the guild of Historic Landmark Owners also apply and perhaps the Monroe County Historical Society. Our advise to the Historical Committee if created would be that they immediately join the national trust for historic preservation it cost \$15 to be a participating member. At that time you are eligible for a matching grant program which they have, they will bring in their consulting service to provide us with the best information available on how to go about historic preservation. Possibility of tax incentive legislation at the state level.

Councilman Fix asked why the 60 days delay in the transmittal of findings of the study committee to the plan commission.

Mr. Richardson said that it was thought that it would take a good deal of time to prepare the arguments for both sides for the Plan Commission also adequate time for public notice. The 60 days is a maximum.

Councilman Fix said that does not say this.

Councilwoman Zietlow asked if the Council could have a very brief description of what this study committee can do in terms of preserving buildings.

Mr. Richardson said that this ordinance that you have before you now will not preserve any buildings. What it does is set up the mechanism through which we can do an intensive study of the homes, the sites, the edifices that we do have at which we can do the planning back ground for defensible historical preservation zoning ordinance.

Councilman De St. Croix asked how soon will it be before the Council can expect an ordinance from the study committee.

Mr. Richardson said that he hopes it to be very soon. They are faced with the problem that they do have to do a

an extensive inventory so that we do have a defensible ordinance. There are alternative to preserving the structures prior to the actual enactment of a formal historical zone. Those are option which will be presented to the study committee.

Councilman Fix said that if we pick out a building right now and everybody agrees that it should be designated as such. It would seem that it would be at least six months from now that everybody agreed that this be done.

Mr. Richardson said that there are a number of buildings that we already have a rather complete history. In 1971 the City participated in a program with the folklore Department. Which they did do considerable work on.

Councilwoman Zietlow asked if a building or edifice can be designated historical without the approval of the owner.

Mr. Richardson said yes.

Councilwoman Zietlow said than they would have to go through the procedure of getting it certificate and everything.

Mr. Richardson said yes. The section of the law that I read to you is portion of the 1875 the enabling statute for planning in advisory Planning Commissions which we now operate under.

Mrs. Ed Farmer said that she would like to tell the Council her intrepertation of the meaning of this ordinance. Suggesting the Council recall the events of the last six months with perhaps Bloomingtons most famous homes going down. Mrs. Farmer said that this ordinance means a great deal to her. Mrs. Farmer thanked the Council and publically thanked the Mayor. If we are to have any preservation in this town we must start we must do something and several of us have worked very hard on many aspects. We have lost all of these homes very quickly and there was nothing any of us could do about it. Even when we knew in a week or two that these homes were going down. The majority of the people did like those homes and did want those homes so unless some of these homes are saved and something is done we won't have a heritage anyway and that is part of the community.

Councilwoman Zietlow said that she would like to make sure that we are going to have some teeth in protecting those homes.

Mr. Richardson said that there will be.

Mr. Richardson said that he kind of slid off the question that Brian gave a little while ago. About the other alternatives of preventing the demolition of houses during the time we are making the study. I would not be surprised at all if this Council is presented with an ordinance or a resolution in the very near future.

Council president Ackerman read the following letter into the record:

From Mr. Norris Wentworth  
Monroe County Historical Society

The Monroe County Historical Society supports the proposed ordinance for the study and protection of historic buildings and sites. Until very recently many people have felt that historic preservation was a luxury. No one disputed that well kept buildings gave a unique and estatic appeal to a community and perserve local color and flavor. Most people agreed that it was a pity that a spacious, substantial old building, rich in workmanship no longer available diappeared for ever. We have all envied those towns and cities whose embattled citizens would not let their presious past be wrecked. What a glow they must feel when they find that such preservation has brought great financial advantage to their community and that for once virtue is actually rewarded. We are glad to see Bloomington join if belatedly in historic preservation efforts which can do so much to restore the pleasure and pride of the citizens in our community. Monroe County Historical Society pledges strong and continued support.

Ordinance 74-35 was passed by a  
ROLL CALL VOTE OF AYES 9; NAYS 0.

Mr. Rod Wyld submitted the following  
petition to the Common Council.  
(on the next page)

Councilman Towell said that at the time they had amended the ordinance that it had been accepted by silence that the Council intended this to be temporary and the Council expected a study to be done by the Board of Works and we would take action when that study came to the Council.

Mr. Rod Wyld said that they just wanted to press the issue. There is a very diffenate hardship on people who get to work on time. They have to run out every hour to put money in their parking meters.

Councilman Towell said that he did follow up on another matter that was brought up at that meeting. He asked a fairly high ranking employee of the post office what could be done about their parking situation. They park on Lincoln go into the building and spend a couple of hours there and than take the trucks out and leave the lot virtually empty.



This was part of the testimony and indeed it was varified. It looks like something can be worked out but you have to go to the very top. Councilman Towell suggested that they park on Lincoln when they come very early in the morning and when they go out they go out in shifts so that there is always an open space to move their car into. Councilman Towell urged the Board of Works to represent the City in that negotiation.

Councilman Fix said that he observed in the last two or three days one of the City vehicles being parked on the street. It so happened that there was no money in the meter and the lady checking the meters went on by the city vehicle without putting a ticket on it. I wonder if we can be criticle of employees in the stores of parking on the streets and taking up space. I do not see much difference of employees of stores and employees of the City taking up space. If a City vehicle is going to be on the street they should be paying meters.

Councilman De St. Croix pointed out to the assistant to the Board of Works that the Council has suggested that he act as the agent for the some 100 employees protesting the Council's decision on the parking situation and to come up with an alternative plan to the one that was proposed by the Council.

Councilpresident Ackerman asked for a specific study of the parking needs of this building. Than we would have a better idea of how many spaces should be reserved.

Councilman De St. Croix moved that Resolution 74-27 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-27  
Bloomington Transit  
Local Funding

In the absence of the City Clerk Julaine Thomas introduced and read Resolution 74-27 in its entirety.

Councilman De St. Croix moved that Resolution 74-27 be adopted. Councilman Morrison seconded the motion.

Councilpresident Ackerman said that they had a hearing three nights ago on this and that this is the continueing process of trying to get input from the public regarding the application for the expanded bus system.

Councilman De St. Croix requested that the statement given the Council from the Greater Chamber of Commerce be inserted into the record as an official part of the minutes.

Councilman Fix said that is a good idea of not reading it in its entirety and

RESOLUTION NO. 74-27

A RESOLUTION IN SUPPORT OF LOCAL FUNDING FOR PUBLIC TRANSPORTATION.

WHEREAS, the City of Bloomington will execute and file an application with the United States Department of Transportation for a Mass Transportation Capital Improvement Grant under the Urban Mass Transportation Act of 1964; and

WHEREAS, should such application be granted, a local cash contribution equivalent to one fifth (1/5) of the net project cost will be required in the approximate amount of two hundred and seventy-seven thousand (\$277,000); and

WHEREAS, in order to operate and maintain the public transportation system contemplated by the City's grant application a subsidy will be required ranging from \$300,000 in the first year to \$180,000 in the fifth year,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON

1. That the City will appropriate from its cumulative capital account and/or other accounts which qualify for the local match the approximate amount of \$277,000, which amount shall be made available in 1975; and

2. That the City will appropriate from year to year such general revenue sharing or property tax monies as are required in any given year, for a period of five years, to subsidize the public transportation system contemplated by the City's capital grant application.

CERTIFICATE

The undersigned duly qualified and acting President of the Common Council of the City of Bloomington certifies that the foregoing is a true and a correct copy of a resolution, adopted at a legally convened meeting of the Common Council of the City of Bloomington held on \_\_\_\_\_, 1974.

\_\_\_\_\_  
(Signature of Recording Officer)

\_\_\_\_\_  
(Title of Recording Officer)

\_\_\_\_\_  
(Date)

approved by Council \_\_\_\_\_

approved by Mayor \_\_\_\_\_

James S. Ackerman  
President, Common Council

Francis X. McCloskey, Mayor

and being inserted in the minutes. Some of the points raised there need to be discussed.

Councilpresident Ackerman said that Mr. Wray intends to speak on some of the points this evening and that the Mayor said that they do intend to do intend to do further study. So hopefully the end result will be that some of these questions will be answered.

Mr. Clyde Mackey, resident on South Palmer Street, said that he was unable to attend the meeting of a few days ago. I would like to go on record as being opposed to this mass transportation expansion. I don't intend to go into a time consuming talk I see that it is of no use. I think that it is just ridiculous the money they are asking for to expand this and going to the county and city taxpayers paying an additional tax to subsidize the bus system for people who live in the county to ride. It just should not be that way. I think the Council has already made up their mind as to what they are going to do about it.

Councilman De St. Croix said that as one councilmember I still have a lot of unanswered questions in my mind.

Councilwoman Zietlow asked Mr. Mackey to state the nature of his objection.

Mr. Mackey said the nature of it is that it is just to dammed expensive. I do not think that the city should provide transportation for the county. These shelters they want to build \$55,000 for ten, that is \$5,500 for each. What kind of building are they going to have? You can build a nice 12 X 12 building certainly for less than \$5,500. \$27,000 for a washing apparatus to wash the buses. Whose brain storm is that. How are they washing the City vehicles now. It seems that they can use the same method that they are now using.

Councilman Towell said that one of the possibilities in setting up the transportation system is to have an authority which would go out at least a mile beyond the City boundaries and tax I assume from the same area. Would this meet one of your objections.

Mr. Mackey said that it would sooth it a little bit. I am against the mass transportation expansion 100% to start with. If they are going to have it that would help a little bit. As you remember the previous Mayor refused to accept the authority and that was his basic reason for not going on with the bus system. It is something that has had a long amount of discussion in the City. It is also one of the Chambers questions. I think that would be more equitable myself but I am not sure that at this time we would go to that. Although in the future it seems to me logical.

Mr. Mackey said that maybe you could set up a program to tax just that area. Would you not have to annex those areas in the County first.

Councilman Towell said that in this particular case you can set up an authority which has a wider boundary without taking in the entire county. It is the so called Fort Wayne law. It was passed especially for Fort Wayne at one time but is possible for other communities.

Councilman Mizell said that he shares the concerns of a number of people who have appeared before this Council. In particularly the concerns expressed by the Chamber of Commerce. I do not believe the Council is prepared to vote on any of this material until these questions have been adequately answered. I would like to assure people that I am not ready to vote on this until I do see answers to the questions that have been raised.

Councilman Towell said that he has shown the statement to a number of people in the short time that he has had it and they all agree that it is a good job and that we all have to meet the questions and concerns. Councilman Towell congratulated the committee that worked on it.

Mr. Armory, representing the Chamber of Commerce, said that the Chamber of Commerce would like to participate with the questions and they would give input all the way through to help solve this particular problem. We want everything for the best interest of Bloomington, this is very important to us.

Councilpresident Ackerman thanked the Chamber of Commerce for all the work they put into that.

Councilman De St. Croix said that it was a very fine piece of work.

Mr. Mackey said that the revenue sharing money that the city is getting to pay the biggest part of this when that is not given any more than what predicament is the City going to be in? They will have passed an expensive bus system which it would be better to just throw it away but they would not do that. There would be too much money involved. So they would just stick us with another shoulder full of taxes. This community is just about saturated with taxes.

Councilpresident Ackerman said that according to their projection after five years the amount of tax support for the expanded system will be about the same as the amount of tax support for this system which we are going to keep. Projection is that there would be more riders and therefore the tax support would be roughly the same.

Mr. Mackey said the projection was some one million two hundred and sixty-six thousand riders. They would need to support this expansion. Do you truthfully believe that there would be that many riding the buses. That is just taking a guess. You should not play around with peoples money on guesses.

Councilwoman Zietlow said that a million riders is not that much if there are a 100,000 people in the area. Each person has to ride ten times in the course of the year and you have a million rides. When we talk about being saturated with taxes we are talking about property taxes under the present tax structure and it seems that one of the things we should be thinking about is pushing for a different kind of tax structure where the burden does not always go back down to the little people. That is a fundamental thing that we are always talking about and never getting to. The kind of tax structure that we have now really does burden small tax payers. That is something we have to worry about in another area. This is not just a means the City of Bloomington has devised to tax people but that there are real services being performed by a mass transit system. Councilwoman Zietlow asked Mr. Wray if there was any objection at all by the Transportation Department to the tabling of this Resolution this evening.

Mr. Wray, Director of the Department of Transportation, said that he encourages the tabling of this resolution. There are several sets of questions that need to be answered. The Chamber of Commerce letter, we have not had a chance to review it, the newspaper came out with several questions, there were several questions raised at the hearing last night. A rough draft of the transcripts of that hearing should be ready sometime tomorrow. It is about 40 pages now and we have been typing on it for the last two days. Mr. Wray felt that another meeting should be scheduled for about a week from tonight between the Council, other members of the administration and the Chamber of Commerce to go over that.

Councilman De St. Croix said that we have a serious problem in the terms of our tax structure in this state because of its base on the property tax. I would like to point out that at the time of its passage the current tax package which the average person believes benefits them because it reduces their property taxes and they pay less on their mortgages in fact resulted in individuals paying over 70% of the new revenues in that tax package and receiving less than 40% of the tax breaks. I am talking about the individual tax payers that does not include the revenues that the State is now receiving at the increased rate of inflation from the sales tax. The tax system that we now

have is a bad one to begin with.

Mr. Mackey said that anytime someone runs for office they talk about that and as soon as they get in office that is the last you hear of it.

Councilwoman Zietlow said that their is a confusion between property tax relief and property tax reform.

Councilwoman Zietlow moved that Resolution 74-27 be tabled. Councilman Towell seconded the motion.

Councilman Mizell said that the public hearings that will be held be given adequate publicity in the newspaper. So those people who are concerned will have ample notification and can appear at those hearings.

The motion was carried by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilpresident Ackerman said that he would appoint a subcommittee of the Council to work with the Chamber and other people who have raised questions.

Councilman Fix said that a project of this magnitude that the Council be a committee as a whole.

Councilman De St. Croix moved that Ordinance 74-32 be introduced and read by the Clerk by title only. Councilman Behen seconded the motion. The motion was carried by a unaimous voice vote.

Ordinance 74-32  
Amend Title 15  
of the Code  
"Vehicles and Traffic

In the absence of the City Clerk Julaine Thomas introduced and read Ordinance 74-32 by title only.

Councilman De St. Croix moved that Ordinance 74-32 be adopted. Councilman Morrison seconded the motion.

Councilpresident Ackerman explained that this establishes stop signs at the intersection of 7th and Grant. Restrictive parking zones on the west side of Arbutus Street, between 3rd Street and Atwater designated as two hour time zones between the hours of 9 a.m. and 9 p.m. and no parking zones the east side of Madison Street, from 13th Street North to 17th Street.

Councilwoman Zietlow asked if the four way stop is really effective on 7th and Grant.

Councilman Behen said that he is in that neighborhood quite a bit and he finds it excellent.

Councilpresident Ackerman asked Councilwoman Davis if the procedure is that this has been tried for 90 days and that the Traffic Commission and the Police Department recommend that these be made permanent.

Councilwoman Davis said that this has been discussed at the Traffic Commission and advertised in the paper. The Commission thought that someone would appear at the meeting at speak for it or against it and no one came.

A Police Officer said that this has been a 90-day order. It was recommended by citizen input that we make this change, it was taken to the traffic commission it was okayed there and the Chief of Police issued a 90-day order. We have not had any objections since that. 7th and Grant is a bad intersection there is a high accident rate. You have mentioned Madison Street between 13th and 17th, the parking was removed from the east side of the street. It was a traffic hazard especially in the late hours of the day. We asked for citizens input we did not receive anybody objecting to it. Arbutus Street between 3rd and Atwater was put into a two hour time zone which was requested by the people in that neighborhood. We have not had any objections to any of these and the Police Department agrees with them.

Mr. Wyld suggested that at Summit Street and Grant that the Police Department put the barrells back in the intersection until people are use to the stop signs.

Councilpresident Ackerman asked if it was possible to do that at a four way stop.

The police officer said that it was. We do this to get people use to the stop sign.

Rev. Ernest Butler, Traffic Commission member, said that the Traffic Commission whole heartedly endorses this ordinance.

Ordinance 74-32 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilman De St. Croix moved that Ordinance 74-33 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 74-33  
Amend the Bloomington  
Zoning Maps.

In the absence of the City Clerk Julaine Thomas introduced and read Ordinance 74-33 by title only.

Councilman De St. Croix moved that Ordinance 74-33 be adopted. Councilman Morrison seconded the motion.

Mr. Tom Crossman, Director of the Plan Department, said that this is a parcel of property on Arlington Road in the

general vicinity of the TIS Book store. Mr. Cowden is the owner also in addition to the present commercial facilities, he operates a trucking service. His request at this time is to simply enclose the repair and maintenance facilities so that he does not have to work on them out doors. The Planning Commission was primarily concern that this area is not served by sewer. Our original recommendation was that the change in zone not be granted until sewers be provided, however, with the strength of the site plan regulation it was the staffs belief and the Planning Commission concurrence that no significant structural change requireing sewage services could be developed on this lot wihtout subsequent review by the site plan ordinance. The rezoning was believed to be appropriate in so far as there will be no additional use it will merely be a sheltering of existing uses.

Councilman Behen said that the agenda is fowled up. On the agenda we have Ordinance 74-33 as reference to the Lincoln Street Church of Christ and Edward C. Isaacs and Melba Isaacs property. That is the number that Councilman De St. Croix introduced.

Mr. Crossman said that the agenda is not fowled up the property description is fowled up. This was called to the offices attention by the Council Office and by the newspaper prior to the preliminary reading. Mr. Reller provided a correct description and I am surprised it did not appear corrected on your final agenda. The Lincoln Street Church of Christ has an easement on the property and apparently only that part of the description found its way on your agenda.

Councilman Towell said that he could not resist taking this occassion to point out when you are considering a rezoning you do look to see whether the site plan ordinance will help to get what you want when you are considering this ordinance. Things that come under performance standards are not always irrelevant.

Councilwoman Zietlow asked if this was passed unanimously by the Plan Commission.

Councilman Mizell said that he does not know the exact vote and does not have the Plan Commission minutes before him. He did recall that he voted against it. Councilman Mizell said that an individual is really trying to improve the quality of this particular parcel of land and needs a change in zoning to do that. The businesses that are there now are existing as pre existing nonconforming uses. This would put an arterial business zone right in the middle and between a single family residential zone and a residential estate zone. On that basis Councilman Mizell voted against it. This is on the corner of Arlington Road and Gurley Pike comes up just



south of the extension of the by-pass out to 37. It is a difficult corner to which to deal however, it is surrounded by RS zones the survey of the land use in that area consist of single family homes, church and further down towards Bloomington a two family, three family and one four family use all the rest is single family use. I was concerned about placing an arterial business zone right in the middle of this single family zone.

Councilman De St. Croix said that in so far as the Council received this back up data including pictures, plan maps and rezoning information this evening slightly before 7:30 and considering the complicated question Councilman Mizell pointed out I move that this item be tables for further consideration by the Council. Councilwoman Zietlow seconded the motion.

Councilman De St. Croix suggested that if we continue to receive materials like this from the Plan Department it will always be tabled.

The motion to table Ordinance 74-33 was carried by a ROLL CALL VOTE OF AYES 8; NAYS 1.  
May: Councilman Behen

Councilman de St. Croix moved that Ordinance 74-36 be introduced and read by the Clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-36  
Amending Title 20  
of the City Code

In the absence of the city clerk Julaine Thomas introduced and read Ordinance 74-36 in its entirety.

Councilman De St. Croix moved that Ordinance 74-36 be adopted. Councilman Morrison seconded the motion.

Ms. Ronna Jenkinson submitted the following letter to the Council:

Dear Members of the City Council:

Although the Parkridge Association (which encompasses both Parkridge and Parkridge East additions understands the need felt by Mr. Crossman, of the Planning Department, and the Planning Commission to upgrade the definition of the BL "Limited Business" zone so that it will conform with properties already under that zone, the Parkridge Association disagrees with the vague wording in the proposed ordinance and the allowing of the additions of the bakery, florist shop and professional and business offices to that zone. These businesses generate a great deal of traffic.

We would also like to see the thorough care study completed before zoning definitions are changed so radically; especially since, this ordinance won't be a year old until June 22. But, since this proposed ordinance is before you, may we point out our objections step by step.

In the proposed ordinance, where the new section describes what would be substituted for the original we feel the wording is very vague in the following sections:

1. Sentence two from: "and services or in such other areas of the community where commercial facilities are clearly appropriate but limitations on the traffic generating capacity or intensity of use is desirable.

2. Sentence three "in addition to providing neighborhood services, the BL districts may be established to provide transition between zoning districts which may otherwise be incompatible by either use of intensity.

The Parkridge Association can also see where those two sentences can again start the soft type of zoning the comprehensive zoning ordinance was designed to stop. If you accept sentence two of the proposed ordinance, then you must also limit the traffic that could be generated from the BL zone. Because, the traffic could easily be in some residential areas with the acceptance of sentence three.

According to 20:14:02:00 table of Required Parking Floral shops, bakeries and business and professional offices which we assume would include doctors and dentist offices supposedly generate 8.0 parking spaces per 1,000 sp. ft. This of course does not tell how often there are different cars within an hour using those spaces.

The doctors and dentist offices in a BL zone that aren't on an arterial thorough fare should not be allowed just on the bases that it creates a hazard to children and adults in the area who walk, ride or play near those offices.

The Parkridge Association would like you to reinstate sentences 4 and 6 of the original BL zoning ordinance under 20:05:20:01. They are:

1. sentence 4 "It is desired that the structures developed in this business zone should be designed in such a manner as to be compatible with uses and properties in the surrounding area and the adjacent neighborhood areas."

2. Sentence 6 "BL districts established by these regulations should provide a logical grouping of convenience facilities rather than a single lots for commercial purposes although some small commercial lots may be preexisting in some neighborhoods and will designated BL.

Thank you for listening

Ms. Jenkinson said that Parkridge has some unique problems they have come before the Plan Commission and Common Council and they have been told that there is no traffic problem out there. We have an area out there that right now is vacant part of it is Mrs. Garton property which

is suppose to have a HUD concept. Basically it is designated RM. In the new ordinance the way it is stated there is no distinction of what kind of transition you are talking about. You can also put BL zoning right into a residential area according to the way it is so worded. We cannot have this change without a thoroughfare study. How do you know what kind of traffic is going to be created if you don't know what the roads are designated as.

Mr. Crossman said that the major concern of the Planning Commission starting with the study committee and ultimately the passage of the recommendation to you was that originally section 20.05.20.01 which is the general description of the business commercial zone is ambiguous in the extreme. It does have some phraseology that is desirable but, it talks about single uses grouping of uses, it talks about neighborhood facilities and then about grouping of uses. The use tables don't necessarily restrict the size of the businesses that are permitted in many cases. When you start comparing what the zoning ordinance says about the BL zone and where the BL zone is mapped there is no real relationship. It was originally called the BN or the neighborhood business zone, the neighborhood business zone was not mapped to be strictly a neighborhood business zone hence the change in terminology. We ended up changing the terminology without changing the zone. If you note the use table in the existing zone the medical and dental offices are listed in the medical section and these are not listed in the uses before you in the BL zone. I suspect it could be argued that a doctors and dentist office can be a professional office and in fact some of the businesses on third street that fall under the BL zone are doctors and dentists offices. Perhaps the approach might be to attach the same note to the BL zone that we attached to the RM and the RH zones when we refer to doctors and dentists offices. This would not subvert the intent of the Planning Commission in fact it may strengthen it. What we have done is taken some of the more intense uses such as branch banks and eliminated them. Or restaurants we have restricted their size. The uses that have been added to the BL zone are generally neighborhood type service facilities or low intensity type facilities such as bakeries, flower shops, gift shops and jewelry shops.

Councilman De St. Croix said that he believes that at the last regular council meeting the question was raised regarding Ordinance 74-39, Ordinance 74-38, Ordinance 74-37 and whatever because there was no backup material. A specific request was made that the Plan Department give written information particularly in regard to tables and the ordinance which I find is not forthcoming here.

Councilman Mizell said that this information was relayed to the Plan Department at the last meeting of the Plan Commission.

Councilwoman Zietlow said that it looks as if Councilman Mizell has a big job ahead of him. You are going to have to get us more information.

Councilman De St. Croix pointed out that if that information cannot be brought out by the liaison member to the Plan Commission there are other councilmembers who will stand behind him.

Councilman Mizell said that he apologizes to the council in this case for the lack of information. I assure you that it will be here at the next meeting or we will be able to tell you why.

Councilman De St. Croix said that this being the case he moves that Ordinance 74-36 and Ordinance 74-37 be tabled until we receive adequate backup material.

Councilman Towell said that we cannot table something that we do not have before us.

Councilman De St. Croix moved that Ordinance 74-36 be tabled until the Council receives backup material. Councilwoman Zietlow seconded the motion.

Councilman De St. Croix said that just hearing a verbal description between the two zones put that together in my mind if I don't have that down in paper.

Mr. Crossman asked the Council just what type of backup material do they want.

Councilman De St. Croix said this here just reduce it and xerox, the chart, the original and the chart with the changes. I suppose I could bring the Municipal Code with me to every meeting and carry that back and forth and plug through the pages. I do know that my position with my company if I were to present something as incomplete as this to my Board of Directors I would be fired.

Councilwoman Zietlow said that she felt the Council could benefit by having the reasoning behind the changes that are recommended.

Councilman Mizell asked for a synopsis of the minutes.

Councilwoman Zietlow said that it would be best to have them before the first reading of these ordinances. We can't all be at all of those Plan Commission meetings.

-41-

Ordinance 74-36 was tabled by  
a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilman De St. Croix moved that  
Ordinance 74-38 be introduced and  
read by the Clerk by title only.  
Councilman Morrison seconded the  
motion. The motion was carried by  
a unanimous voice vote.

Ordinance 74-38  
Electrical Code

In the absence of the City Clerk  
Julaine Thomas introduced and  
read ordinance 74-38 by title  
only.

Councilman De St. Croix moved  
that Ordinance 74-38 be adopted.  
Councilman Mizell seconded the motion.

Councilpresident Ackerman said that  
the discussion that Councilman Morrison  
had with Mr. Istrabadi resulted in  
Ordinance 74-39. Might it be possible  
to table this ordinance until we  
consider ordinance 74-39 together  
with ordinance 74-38.

Councilman Morrison moved that  
Ordinance 74-38 be tabled.  
Councilman De St. Croix seconded  
the motion. The motion was  
carried by a ROLL CALL VOTE OF  
AYES 9; NAYS 0.

Councilman De St. Croix moved  
that Appropriation Ordinance 74-8  
be introduced and read by the  
Clerk. Councilman Morrison  
seconded the motion. The motion  
was carried by a unanimous voice vote.

Appropriation Ord. 74-8  
Local Road & Street  
Fund & Parks & Rec.

In the absence of the City Clerk,  
Julaine Thomas introduced and read  
Appropriation Ordinance 74-8 in  
its entirety.

Councilman De St. Croix moved that  
Appropriation Ordinance 74-8 be adopted.  
Councilman Morrison seconded the motion.

Councilwoman Zietlow asked if Mr. Wray  
could explain this.

Mr. Wray said that this ordinance is  
for both engineering and construction  
of the proposed improvements that we  
have talked about for over a year.  
This does work in conjunction with  
Monroe County School Corporation  
in an effort to acquire a seminary park.  
Those arrangements have been made subject  
to the construction of the street. It is  
part of the State Highway Departments long  
range plan to extend College Street on down  
south and ultimately should provide another  
avenue for the RCA traffic. The only problem  
with this construction right now is the  
Federal Highway Act of 1973 is as yet not  
funded at the state level but should be by  
July 1st. Mr. Wray will be going up Monday

to check on that. It is important that this pass this evening so that the State Board of Accounts, State Tax Review Board will have a chance to review it so that money will be available so that the construction can proceed this year.

Councilwoman Zietlow said that this is money that is there that we have not appropriated specifically.

Mr. Wray said that is true.

Councilwoman asked for more specific information about the plans for the extension of College.

Mr. Wray said that the plans for construction are a two lane road. I would be lined with one curb line. Mr. Wray said that he is not sure of the specifics yet. If at a future date we need to add a third lane or a fourth lane it will be available. The drainage system is to be laid out with that in mind. We are acquiring the right of way to widen that street at a future date. At this time we are putting in a road that should open the area up for development in accordance for the zoning and should help the tax base a little bit too. A number of property owners are waiting for this now.

Councilwoman Zietlow asked if that is going to be a great big four lane road.

Mr. Wray said that it will not be a four lane road at this time. It will be built to state and highway federal specifications. (the rest of Mr. Wray's speech did not come through clear on the tape)

A member of the audience asked what the \$1,800 in Parks & Recreation in other supplies was for.

Mr. Bill Wilson, Director of Parks & Recreation, said that this is all County money as you know by state statute the largest of the two organizations has to be the disbursing officer. This is the county budget that is being appropriated into the same categories which it was approved by the county to be expended. The \$1,800 in supplies is for play ground supplies that are operated through the county budget.

Councilman De St. Croix asked Mr. Wilson to explain item number 11.

Councilpresident Ackerman said that is the \$4,500 for salaries and wages.

Mr. Wilson said that this is partial salary payment of five different people.

Councilman De St. Croix asked who.

Mr. Wilson said the administrator, the administrator assistant, the recreation director, the school center director, superintendent of parks and the superintendent of building facilities.

Councilman De St. Croix asked if this is the counties share.

Mr. Wilson said yes. This does not include the county also gives the city \$50,000 which is not appropriated. \$50,000 is given by the county in addition to this. That is their share of facilities that the county people use which belong to the city. This goes into the general fund which is not anticipated in the budget.

Councilman De St. Croix said that is the one we hope keeps going up every year.

Mr. Wilson said that it has gone up double the first year and the second year an addition \$10,000. It has gone from \$30,000 to \$50,000.

Councilman Fix said that when the Monroe County Parks and Recreation for services perform by the city \$24,859 that does not show up in the budget.

Mr. Wilson said yes the \$24,000 does. That is budget items although it is in addition to the City budget but it is programs that are operated out in the county.

Councilman Fix asked when the budget is made up does that show as income on the budget?

Mr. Wilson said yes. It does not show in our City budget because it is not a part of our budget until it is appropriated in.

Councilman Fix said than it does not show as income.

Mr. Wilson said no not this part. This is operating program facilities of actual budget items that are expended. The \$50,000 shows up as income. Which reduces our total budget which reduces our tax rate.

Councilman Fix said that this is part of the county budget.

Mr. Wilson said right. Our tax rate was reduced six cents in the last two years.

Councilwoman Zietlow asked about the \$20,000 from the county revenue sharing funds for capital improvement is that already specified where that will go.

Mr. Wilson said not exactly the county park board had made recommendations at the last meeting this included some expenditures of the Karst Park. They are trying to work out a joint effort in Stinesville, Elliottsville, Harodsborg and Brown School.

Mr. Wilson said that this is actually expended by the county.

Mr. Wilson said that it will show in the budget this year because the State Board of Accounts has recommended rather than going through an additional appropriation let it be all included in one budget. Than all deductions are finalized at the Tax Review Board.

Councilman Fix said that he was a little confused by all of this. Now Bill you are working for both the city and the county.

Mr. Wilson said yes he is.

Councilman Fix said that when the Council passes the salary ordinance.

Mr. Wilson said that they pass the total amount that included in the salary ordinance was included this \$4,500 but had not been appropriated into this ordinances, this budget.

Councilman Fix said that it should be shown as income.

Mr. Wilson said that at the end of the year it is actually shown that way but we cannot do that in the beginning because it is not approved. The county does not approve theirs until after the city does.

Councilman De St. Croix asked if there was anyway that they could have an indication from the county as to what they are going to approve prior to the time when we consider the budget.

Mr. Wilson said that they usually do not even meet until after the city has finalized their budget.

Councilman De St. Croix asked if it would be possible because Mr. Wilson works with both the county and the city to see if we can do that. The budgets are going to be getting a lot closer look this time.

Mr. Wilson said that both of them would be proposed at the same time.

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

Councilman De St. Croix asked if Mr. Wilson and the new RSVP Director could schedule a presentation to this Council on that program and check with the Council Aide sometime in the near future.

Councilman De St. Croix moved that Resolution 74-28 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-28  
Budget Transfer

In the absence of the City Clerk  
Julaine Thomas introduced and read  
Resolution 74-28 in its entirety.



## RESOLUTION No. 74- 28

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 FUNDFIRE DEPARTMENT

From	1.	SERVICES PERSONAL			
		111 Salaries & Wages	\$1,800.00		\$1,800.00
To	3.	SUPPLIES			
		332 Institutional & Medical	\$500.00		
	4.	MATERIALS			
		41 Building Materials	600.00		
	5.	CURRENT CHARGES			
		55 Subscriptions and Dues	100.00		
	2.	SERVICES CONTRACTUAL			
		214 Communication and Transportation	600.00		\$1,800.00

PERSONNEL DEPARTMENT

From	1.	SERVICES PERSONAL			
		111 Salaries & Wages	\$ 450.00		
	2.	SERVICES CONTRACTUAL			
		242 Printing & Advertising	\$ 220.00		\$ 670.00
To	2.	SERVICES CONTRACTUAL			
		212 Postage	\$ 60.00		
		213 Travel	150.00		
		214 Telephone	120.00		
	3.	SUPPLIES			
		362 Stationery & Printing	15.00		
		363 Office Supplies	160.00		
	5.	CURRENT CHARGES			
		555 Subscriptions & Dues	165.00		\$ 670.00

SPECIAL FUNDSFEDERAL REVENUE SHARING (Street Department)

From	4.	MATERIALS			
		42 Street, Alley & Sewer Materials	\$50,000.00		\$50,000.00
To	2.	SERVICES CONTRACTUAL			
		26 Other Contractual Services	\$50,000.00		\$50,000.00

Approved by  
Council May 16, 1974

James S. Ackerman  
James S. Ackerman, President  
City Council

Approved by  
Mayor May 17, 1974

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

Councilman De St. Croix moved that Resolution 74-28 be adopted. Councilman Morrison seconded the motion.

Councilwoman Zietlow said that the explanations from the Fire Department and the Personnel Department are really very complete.

Councilman Mizell said that they should be commended on the completeness of their explanations.

Councilpresident Ackerman said that they were very easy to follow.

Councilwoman Zietlow said that the transfer in the federal revenue sharing funds speaks for itself it goes to contractual services because the Street Department isn't building it

Mr. Wray said right.

Resolution 74-28 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilman De St. Croix moved that Resolution 74-31 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-31  
Housing Application

In the absence of the City Clerk Julaine Thomas introduced and read Resolution 74-31 in its entirety.

Councilman Towell asked what this is about.

Ernest Butler said that the resolution is about being able to provide some of the families who at present are caught in uninhabitable residents with decent housing by government subsidy. According to the report on the record there are 465 families on the waiting list for public housing. We are only asking for 250 units.

Councilwoman Zietlow said that the Council has not seen this at all and she knows vaguely what section 23 is about. That sounds like an enormous thing that we would be approving here and we haven't heard anything about it.

Councilman De St. Croix said that it seems a little irregular that the Council gets this at 7:30 before the council meeting. It seems irregular that we don't have any input from the redevelopment department. It also seems irregular that we do not have any input from the Mayors office. Can you explain why you and Mr. Miller are here presenting this and that we get this at the last minute and that nobody else including the Council has been informed of it.

Councilwoman Zietlow asked what does it mean if we approve it.

## RESOLUTION NO. 74-31

A RESOLUTION APPROVING APPLICATION OF THE PROVISIONS OF SECTION 23 OF THE UNITED STATES HOUSING ACT OF 1937, AS AMENDED, TO THE HOUSING AUTHORITY OF THE CITY OF BLOOMINGTON, INDIANA.

WHEREAS, under the provisions of section 23 of the United States Housing Act of 1937, as amended, the United States of America, Housing Assistance Administration is authorized to provide financial assistance to local public housing agencies in providing low-rent housing by leasing dwelling units in existing privately-owned structures; and

WHEREAS, said Section 23 provides that the provisions thereof shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to such locality.

NOW, THEREFORE, be it resolved by the Common Council of the City of Bloomington, Indiana, as follows:

The application of the provisions of Section 23 of the United States Housing Act of 1937, as amended, to the Housing Authority of the City of Bloomington, Indiana is approved.

Dated this 16th day of May 1974.

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Mayor of the City of  
Bloomington, Indiana

\_\_\_\_\_  
President, Common Council  
of the City of Bloomington,  
Indiana

Mr. Butler said that it means that we can put into operation the process by which we can contact HUD and put in the appeal and try to get the thing off the ground instead of just talking about it. It has been discussed by most groups for the last year or so. The Workable Plan Program was dealing with it.

Councilman De St. Croix asked when did this Council discuss it.

Mr. Butler said that he does not think that it has ever been discussed by the Council.

Councilman De St. Croix said that is right. If they have been discussing it it would be helpful if the groups would appear before this council and tell us what they have been discussing and tell us what their attitude is toward this, what they have learned, what this means. This seems to be a pretty important document you are asking for.

Mr. Butler said that it is a very important document yes.

Councilman De St. Croix asked what kind of problem would it create if we asked you to bring that kind of support statement from the groups that have been discussing it and input from the Redevelopment Department at the next meeting of the Council.

Mr. Butler said that it only creates a delay in the possibility of acceptance by HUD.

Councilman Fix asked who is going to administer these funds.

Mr. Butler said the Public Housing Authority.

Councilwoman Zietlow asked if the operation could be described.

Mr. Wilber Miller said that the application was received last Friday from HUD. The local housing authority is authorized through their annual contribution program to administer the funds. We will have to secure a number of developers that will participate in the program. This is for existing housing it is not for any new construction. It has to be with the housing that is existing within the community at this time. If the developers agree the Local Housing Authority will sign a contract with the developers guaranteeing them the gross rent that they will be receiving for this particular area. We will certify the prospective tenant as being eligible, meeting all of the requirements for the housing. The individual will go to the developer and rent the house.

Councilwoman Zietlow said that in effect the Council is giving its approval to an application that you will be presenting to HUD.

Mr. Miller said that you have to give your approval before the local housing authority can do anything. The local housing authority passed the resolution at their regular meeting tuesday night.

Councilwoman Zietlow asked if Mr. Miller has the application.

Mr. Miller said that he does have the application. He did not have it with him tonight.

Councilwoman Zietlow moved that Resolution 74-31 be tabled.

Councilpresident Ackerman asked if the specifics are spelled out on the application.

Councilwoman Davis asked when does the application have to be in.

Mr. Miller said that it should be in within 30 days.

Councilman Towell said that there has been a lot of discussion of housing programs in the total city. Have you consulted the Mayors office as to whether this fits in with their plans, have you talked to the Redevelopment people. I know that the Planning Department recently got a \$15,000 grant and \$5,000 more from revenue sharing to study housing needs.

Mr. Miller said no they have not consulted anyone yet. Mr. Miller said that he just received the application last friday.

Councilwoman Zietlow said that it sounds as if this is very important. It is not at all clear as what we are doing here.

Councilman De St. Croix said that it is not a question of the Council wanting to delay it. You just saw the Council table three ordinances from the Plan Commission because they did not have enough back up material. When we pass an ordinance or a resolution that is the law of the city. I have no problem backing you all up if I really know what I am backing up. If we can have a copy of the application, so that we can get the Plan Commission in on it to see how that fits into their plans and the Mayors office and the Redevelopment Department so that we all move in the same direction together.

Mr. Miller said that the Housing Authority is the only power that has the authority to negotiate for this additional housing.

Councilwoman Zietlow requested that a meeting be set up with Mr. Miller and the Council in the next few days.

Mr. Miller said that you name the time and if Rev. Butler can be there we will come.

Councilwoman Zietlow moved that Resolution 74-31 be tabled and that a meeting be arranged to inform the Council. Councilman Towell seconded the motion.

Councilman Towell said that it would be very good for Mr. Miller to communicate with the Mayor's office too. Have the Mayor initiate contacts between other department heads. This is Nixon's only program for housing.

Mr. Miller said that we had better get it while it is here.

Councilman Fix said that in a meeting like this there should be a representative of each one of these groups together in one meeting.

Councilpresident Ackerman said that the Council would ask their aide Maggie Shaffer to get in touch with Mr. Miller so that the Council will have some good questions to ask when they get in touch with these people later.

Mr. Miller said that the Council should go through the circular because basically the whole concept has been changed.

The motion to table Resolution 74-31 was carried by a ROLL CALL VOTE OF AYES 9; NAYS 0.

NONE

REPORTS FROM OFFICIAL BOARDS AND COMMISSIONS

NONE

REPORTS FROM STANDING COMMITTEE

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

Councilman Towell moved that the meeting be adjourned.

ADJOURNMENT

Councilpresident Ackerman adjourned the meeting at 11:30 p.m.

James S. Ackerman  
James S. Ackerman, Councilpresident

ATTEST:

Julaine Thomas, secretary