

In the Council Chambers of the Municipal Building, on Thursday, October 17, 1974, at 7:30 p.m., with Council president James S. Ackerman presiding.

REGULAR SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON
INDIANA

Present: James Ackerman, Richard Behen, Jack Morrison, Wayne Fix, Sherwin Mizell, Flo Davis, Al Towell, Charlotte Zietlow.

ROLL CALL

Absent: Brian de St. Croix

Mr. Crossman, Planning; James Register, Corporate Counsel; Bill Wilson, Parks and Recreation Director; Martha Sims, Controller; Chief Gose, Fire Chief; Jim Wray, Transportation Director; Grace Johnson, City Clerk.

CITY OFFICIALS PRESENT

About 15 other people including members of the press.

OTHERS PRESENT

Councilman Morrison moved that the minutes of the meeting of September 5, 1974 be approved as distributed. Councilman Behen seconded the motion. Council president said he had gotten through most of them and would take the rest on faith. Then he ask if there were any questions? Councilman Mizell noted that in three paragraphs contributed to him there were a few mistakes and he pointed them out. Council president Ackerman then passed the minutes of September 5, 1974 as corrected.

MINUTES
9/5/74

NONE

MESSAGES FROM THE MAYOR

There are several students here from B.H. S. South from Mrs. Hollins gov't. class and Council president Ackerman welcomed them here and explained the procedures of the meeting to them.

MESSAGES FROM COUNCILMEMBERS

Councilwoman Davis reminded everyone that November 5th is election day and that she would like to see everyone vote no matter what their party affiliation is. Also that at this time there are going to be several people running for school boards. And schools, like Utilities have a large part to play in the development of the city, where the development may progress or deteriorate. One of your candidates last Spring in a letter to the editor stated that she thought it would be a great idea to see Bloomington have a ring of schools around it and none inside. I think everyone should be very aware of these candidates for the School Board and other offices and look closely at them and vote accordingly to what they think is the best candidate.

Councilwoman Zietlow reported that the Human Resources Study Committee met last week and is meeting again next week. We had good attendance and I think we will have a report in about two council meetings about that.

Councilman Morrison moved that Ordinance 74-94 be introduced and read by the clerk by title only. Councilman Behen seconded the motion.

INTRODUCTION OF GENERAL
AND SPECIAL ORDINANCES

74-94 - Zoning

This motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance 74-94 by title only.

Councilman Mizell explained the location of this ordinance for the benefit of the council and the general public. He stated, it concerns the proposed planned unit development of a commercial area which is on the bypass and Bloomfield Road. It is quite a considerable development and there has been some questions raised at the Plan Commission meetings about the traffic situation and its proximity to Grandview School.

Mr. Crossman said this zoning is for a shopping center of significant size. It does include access both from Bloomfield Road, the Bypass and Curry Pike. Major considerations made at the Commission meeting were for traffic flow, drainage.

Councilman Morrison asked that some of our city officials go out and look this area over very closely as far as the traffic flow is concerned before this comes before the council for a second reading.

Mr. Crossman said the developers have traffic counts, both current and forecast, based upon the vehicle trips they anticipate the development to undertake. They have traffic flow patterns and anticipated and allocated to the various entrances of the shopping center. I think certainly there are necessary and required road improvements, particularly on Bloomfield that would be mandated before development plans could be considered.

Councilwoman Zietlow ask if there are curb cuts onto the bypass.

Mr. Morrison said that there are no curb cuts allocated at the present time.

Councilman Morrison asked that all councilmembers as a group go to see this area and gather more material concerning it before the next council meeting.

Councilman Morrison moved that Ordinance 74-87 be introduced and read by the clerk by title only. Councilman Behen seconded the motion.

74-87 - Annexation - East of High, between Woodstock and Windemere

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance 74-87 by title only.

Councilman Morrison moved that Ordinance 74-88 be introduced and read by the clerk by title only. Councilman Behen seconded the motion.

74-88 - Annexation - Sherwood Green Condominiums

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance 74-88 by title only.

Councilman Morrison moved that Ordinance 74-89 be introduced and read by the clerk by title only. Councilman Behen seconded the motion.

74-89 - Annexation - Land owned by RCA, West of Illinois Central Gulf R.R.

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance 74-89 by title only.

Councilman Morrison moved that Ordinance 74-90 be introduced and read by the clerk by title only. Councilman Behen seconded the motion.

74-90 - Annexation - N.W. corner of 17th and Dunn

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance 74-90 by title only.

Councilman Morrison moved that Ordinance 74-91 be introduced and read by the clerk by title only. Councilman Behen seconded the motion.

74-91 - Annexation - East of S. High St. North of Meadow-bluff Court

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance 74-91 by title only.

Councilman Morrison moved that Ordinance 74-92 be introduced and read by the clerk by title only. Councilman Behen seconded the motion.

74-92 - Annexation - N.E. corner of State Hwy. #37 By-pass and State Rd. #48

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance 74-92 by title only.

Councilman Morrison moved that Ordinance 74-93 be introduced and read by the clerk by title only. Councilman Behen seconded the Motion.

74-93 - Annexation- North of 19th between Walnut & Washington

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance 74-93 by title only.

Mr. Register pointed out the areas being considered for annexation and explained somewhat about them. One correction was made in that, Ordinance 74-88 should read North and West of Sherwood Oaks, and East of Henderson Street, instead of the way it was printed in the Ordinance before the council at the meeting. Note was made to make this correction in the Ord. before the next meeting. The legal description is correct except for this small typing error.

Councilwoman Zietlow moved the agenda be expanded to include Ordinance 74-9 and Resolution 74-52. Councilman Behen seconded the motion.

The motion passed by a unanimous voice vote.

Councilman Morrison moved that Appropriation Ordinance 74-9 be introduced and read by the clerk. Councilman Behen seconded the motion.

74-9 - Appropriation - Special Funds

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance 74-9 in its entirety.

At 8:00 the Council considered the scheduled business items.

SCHEDULED BUSINESS

Councilman Morrison moved that Resolution 74-49 be introduced and read by the clerk. Councilman Towell seconded the motion.

74-49 - General Electric

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Resolution 74-49 in its entirety.

Councilman Morrison moved that Resolution 74-49 be adopted. Councilman Towell seconded the motion.

Resolution 74-49 was passed by a ROLL CALL VOTE OF AYES 8, NAYS 0.

74-50 - Police Department

Councilman Morrison moved that Resolution 74-50 be introduced and read by the clerk. Councilman Behen seconded the motion.

The motion passed by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Resolution 74-50 in its entirety.

Councilman Morrison moved that Resolution 74-50 be adopted. Councilman Behen seconded the motion.

Councilwoman Zietlow stated she felt there was more here than meets the eye. There is a lot said in this resolution about the extraordinary duties of the Bloomington Police Department in conjunction with the Indiana University. I think this is something that we have to continue to work on turning into compensation as well as gratitude.

Councilpresident Ackerman asked if it was true that the police now do this as extra work beyond the forty hour week asked of police. "Is it a voluntary activity? Did I.U. make any gesture of gratitude toward the police, and I wasn't thinking of a letter."

Someone from the audience stated that it was purely without pay. That the policeman did get free passes to the ball games but there was no pay or time off involved.

Councilman Towell made a small amendment that in the third whereas, instead of University Community it should read Indiana University.

Councilman Towell moved to make the above mentioned amendment. Councilwoman Zietlow seconded the motion.

The amendment passed with a **ROLL CALL VOTE OF AYES 8, NAYS 0.**

Councilwoman Zietlow moved that the Resolution 74-50 be adopted as amended and that copies of the resolution be sent to officials of Indiana University. Councilman Behen seconded the motion.

Resolution 74-50 passed by **ROLL CALL VOTE OF AYES 8, NAYS 0.**

Councilman Morrison moved Ordinance 74-56 be introduced and read by the Clerk. Councilwoman Davis seconded the motion.

ORDINANCES
Ordinance 74-56 - Emergency
Vehicle Lanes

Grace E. Johnson, City Clerk, read Ordinance 74-56 in its entirety.

Councilman Morrison moved Ordinance 74-56 be adopted. Councilwoman Davis seconded the motion.

Councilwoman Davis said, This ordinance has been worked on for a very long time. The traffic commission first got involved because it involved vehicles, but it really isn't in their area. However they have supported the ordinance for a long time. Infact in July we all received a letter from a Mr. Jewell, who is the security coordinator for the managment association in Indianapolis and they are the owners of the College Mall and the Southgate Plaza in Bloomington. They knew about the working of the ordinance and they strongly urged that we pass it. One of their people was going to speak this evening in favor of the ordinance but is in the hospital, and could not come. One of the problems we have throughout the city in very public, private places used by the public is that people feel they must park next to the building they cannot walk five spaces. We are fortunate that we have not had a fire in any of the malls where we could not have gotten near the building.

Councilman Behen stated, I am not opposed to what this ordinance is to do but I think, that in many instances peoples minds are dwelling on the Mall and Southgate and Eastland and places like that. There are a lot of little strip centers around town and this would be just as totally effective in those centers as in the big malls. But how in Gods name are the police going to go skirting about the community every time a merchant calls and says, "Someone is parked in front of my door." I just can't see how it can be enforced when the public are lead to believe and know that they are on private property and act accordingly. It makes it a difficult area of enforcement to thrust on the Police Department. I am afraid this would happen at the busiest traffic time and how can the police act on this and carry out their regular duties. Then I ask the big question, can these cars be legally towed?

At this time the tape did not record and we lost conversation concerning this ordinance.

Councilwoman Davis stated, this ordinance is modeled on one they have in Indianapolis, and they have a form that they ask the property owner to sign giving the police entire permission to tow cars parked in violation. They would be responsible for erecting the signs and maintaining the lanes. The enforcement with the police department is difficult. We have talked about this and we have talked about a joint enforcement with the fire and police departments. I think that procedure needs further work. There has been a case I understand in the courts now dealing with the towing of a car from private property at I.U. but the car was not parked in a place where it would endanger the lives of other people. I understand there is something in the fire code saying that, if a car is parked in a fire lane where it would endanger the lives of others then it may be towed.

Councilman Behen asked, Mr. Register, I would appreciate it if you would hear me out and then tell me whether what I am saying might have any bearing of truth to this situation. If a person wants to erect a sign in front of his building that says violators will be towed, I think that most people would construe that that sign means what it says, that if they parked in an area they are not suppose to they will in fact be towed. Do I interpret this as part of a move upon merchants so they will not be the scoundrels to have a car towed and therefore lose a customer? Are they trying to thrust that duty on to others?

Mr. Registers answer was inaudible due to the fact that he did not get close enough to the mike.

Councilpresident Ackerman asked that if the Downtown Krogers employed a man just to do this kind of thing.

Councilman Behen said, yes, they have even put barrels out there and they have made it impossible to park there. They police that parking lot probably more actively than most parking lots are. They have unlimited spaces there and the ones that have unlimited spaces

may have to do their own work too, rather than try to have the law enforcement try to take on more than they can cope with, where they are treading on shallow water of legality.

Chief Goss spoke that he felt this was an important ordinance and the added burden if organized properly would be well worth it.

Councilman Behen stated, he was in total sympathy with this problem, But he thought that perhaps we are tackling it from the wrong direction and perhaps an ordinance siting what the merchants are obligated to do would be better, rather than creating an ordinance that states what this one does.

Councilpresident Ackerman commented that this ordinance does say in part A, " Failure to erect or maintain the emergency vehicle lane signs as directed by the fire dept. shall be unlawful. So it does put it right back on the merchants. They are supposed to put up the signs themselves after they confer with the fire dept.

Councilman Mizell stated, that Councilwoman Davis indicated that there would be some attempt to get a form to release, a release form from the property owner to the fire dept. or the police dept. If this were added to the ordinance as an amendment would this put us on better grounds?

It had been in one of the ordinances, this ordinance has been rewritten so many times, it would have to be worked on in areas of wording, stated Councilwoman Davis.

Councilpresident Ackerman; could someone work on rewriting this ordinance. Can you?

Councilwoman Davis suggested that we table the ordinance until the next time, that it would not be good to make such amendments and word changes at this meeting.

Councilman Behen; Dick, do you mean that this is an important ordinance because you have had times when you drive out in Eastland for say and you can't drive in the driveway even?

Chief Goss, Yes, we would not be able to get a truck around in front of the building close.

Councilman Behen; I grocery shop a lot there and I've never seen it when the driveway

wasn't open. The city buses go through there without any trouble.

Councilpresident Ackerman; Yes people park right in front of the stores and at the ends of aisles.

Councilman Behen; I don't mean to sound argumentative but I never have seen anyone park right in the street area.

Chief Goss suggested that some Sunday afternoon he go drive around, I think you will see that there are times when we can't get a truck close to the building.

Councilman Behen; You can't get a truck close to the buildings downtown, but you can run a hose between the cars.

Chief Goss: But that's not a block and a half which is the distance we are from places at some times in these shopping areas.

Councilpresident Ackerman; We did receive a memo from Bloomington transit that they would like to go on record supporting the fire lanes ordinance which is being considered by the council. It stated that, Parking in fire lanes is obviously a safety hazard, it is also a traffic hazard for vehicles moving through parking lots. It is B.T.'s hope that this ordinance will be passed.

Councilman Morrison; When you build a building in the state of Indiana, you have to go before the Building Administration, State Administration in Indianapolis. Which at that time the state Fire Chief, looks over the prints of the building. I have yet at any time had a state fire chief recommend a fire lane on any building I have ever built, and the state fire marshall has to put his stamp on it before you can build a building. Not one time have I ever even had mentioned fire lanes to me in regards to my buildings.

Councilman Mizell; Were these buildings on public streets?

Councilman Morrison; Absolutely.

Councilman Mizell; Well there is your fire lane.

Councilwoman Davis; If its a public street, you could get the truck in the middle of the street. One day I decided to try and see who parked in the fire lanes, and most of the places do have signs saying this is a fire lane, do not park here. I waited for a half hour, and the interesting thing was that the two kinds of people that usually parked in the fire lanes, and one time a person even got out of their car and moved the sign and parked there, weren't old people or mothers with small children. It was very young girls who needed the walk and people with blue stickers from I.U. who were used to parking where they wanted. I was amazed at the number of people who parked in the fire lanes.

Councilman Towell moved that Ordinance 74-56 be tabled until next meeting. Councilwoman Davis seconded the motion.

The motion passed by a ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman Morrison moved the ordinance 74-57 be introduced and read by the clerk. Councilwoman Zietlow seconded the motion.

Ordinance 74-57 - Memberships on Boards and Commissions

The motion was carried by a unanimous voice vote.

Grace Johnson, City Clerk read ordinance 74-57 in its entirety.

Councilman Morrison moved that Ordinance 74-57 be adopted. Councilwoman Zietlow seconded the motion.

Councilwoman Zietlow; I have been thinking a lot about this ordinance in the last couple of days and I think I understand the reason for the ordinance. I think that there is a real concern in any situation where employees of somebody be appointed to a citizen board and I understand that most boards and commissions are created in order to get a broader scope of citizen participation in them and that it is really contrary to the spirit of that kind of participation to appoint people who are part of an administration to those boards and commissions.

Also that there is a danger in that kind of situation in appointing people that you know are going to do your duty and I think that those are strong points in favor of the ordinance. However I think that in creating boards and commissions, another consideration exist, in that we get the best possible appointments and I think on some occasions in this city we have even had examples of where appointments have been made from work study students to boards and commissions who have been excellent. I think there is a danger in passing the ordinance of excluding possibly very good appointments and I think of it there's a danger of appointing people to boards and commissions who are going to do the will of the person appointing them and who are not going to present another voice is not necessarily going to be the outcome of the ordinance and after lengthy consideration I would urge that we vote this down.

Councilman Behen; The questions that have gone through my mind since this ordinance was introduced have been that, should people who are city employees be dictated that they cannot serve with a voting voice would soon loose interest in being on a board or commission where they had no voice or decision. There are many boards and commissions that need in my opinion the input from the day to day functions and I kind of take a degree of reservation in Councilwoman Zietlow's remarks to doing the will of those who appointed them. I don't think any of us sitting up here feel that people we have appointed have acted exactly the way that we have wanted them to act and if the implication is from the other level of government of this city, then it is just an implication. I would hope that the Mayor's office and the Council would appoint the best people that they could find. I don't know whether we would be doing a good service to take the input away from these boards and commissions that they need from these people.

Councilwoman Zietlow; I'm speaking theoretically actually.

Councilman Towell; I'm sorry councilman de St. Croix is not here, because he was making the point when we were discussing the Utility Ordinance, that some of the strictures in that ordinance were not applied generally to boards and commissions and I think that several people pointed out, especially the league, that the Utilities Board had gotten to be three employees on the board, and that that seemed out of keeping with the kind of board the referendum asked for or that we had intended in passing the ordinance. And yet the point was made that we ought to deal equally with boards and commissions, so here we have a general ordinance looking at all boards and commissions. So I would like to urge that that kind of thing be kept in sight if we decide not to do this ordinance. I think it is very unfortunate that he is not here to react to that comment.

Councilman Fix; I would like to respond to a couple of statements made. A full time employee of the city and elected official of the city has definitely got a commitment to give input to all boards and commissions, that's the reason full time employees are elected officials. There can be no question about their duty, it is very apparent. Now what's the reason for the board or commission, that's what Councilwoman Zietlow said, some citizen or lay people who are not fulltime employees or elected officials. And why establish a board or commission when being a very nature of it, a group of layman then meeting with a voting member who is a fulltime employee or elected official who to them will carry more power into the issue than they will, and so what would you get a three member or five member board with an elected official or fulltime employee on it and it would be equivalent to two or three votes that he would have because of his undue influence on the other members. So it completely destroys any reasons to have boards or commissions.

Councilpresident Ackerman; I would like to add that I agree fully with Councilman Fix. It seems to me that that is a real conflict of interest that you have a board which sets policy, and you've got employees which carry out policy and the employees that carry out the policy are not

properly to sit on boards or commissions from my point of view. Of course they do have the obligation to give input and they can do that through a liason function but they should not from my point of view have a voting power.

Councilwoman Zietlow; I think that the point that I would like to make is not that we have employees of one department that would participate in a regular board and commission that is going to regulate them, but that there are occasions in the city where there are employees that have nothing to do with policy making in their own jobs and who are very interested in another segment of city government. For example, somebody on the environmental commission might be very interested in human rights, and I think considerations like that, if they are possibly good members of the human rights commission, that it would be unfortunate to exclude them from the possibility of serving there. I think that one of the questions that we are really dealing with is the question of judgement and policy which I feel we are not finally getting out with this particular ordinance and I'm not sure exactly what way we could get at it with. But I do think that the conflict of interest ordinance is perhaps that way, but I think this really does not say what I feel we really want said.

Councilman Mizell; I would like to say that I agree with what Councilman Fix has said and I also agree with the early part of Councilwoman Zietlow's first statement. I think it is very important that we get as broad a base input to all these boards and commissions, to me this is exactly the reason they were formed and I would be opposed to this ordinance if it were not for the last phrase, in that "these may not serve to full voting members to any board", and I take this to mean that they may certainly serve as members to the board or commission without a vote. But that certainly their knowledge and expertise would be available to the board but that they would not be in the position to make policy.

Councilwoman Zietlow; My point is that we're talking about different areas of the city. We're talking about employees as citizens and not as experts in the area of the board or commission involved. I am thinking of possible cases and as a matter of fact some real cases where I think it would have been unfortunate.

Councilman Mizell; I see that, but I also see the danger of having someone who is deriving his livelihood from a city having a vote on a board or commission which would set policy for that city, because if nothing else protection for that individual because he is opening himself to a tremendous amount of pressure in an area where you cannot afford to withstand that pre

Councilman Fix; Well I think what I was going to say goes a little to the last comment of Councilman Mizells. But further than that, even though it is in a separate department as such there is a mythical quality about a full time city employee or elected official no matter whether it is entirely seperate from the area in which he is working, that they are going to give more credits to his arguments and analysis than to that of the lay person. But I also take great exception to the fact that some people say we have a community here of some 55,000 people, and that the only ones that have good imput to give are employees or elected officials of the city. I just don't buy that at all.

Councilman Behen; I didn't mean to imply that.

Councilman Morrison; Sherwin, do you not consider your imput to the planning commission very valuable?

Councilman Mizell; I serve because of a state statute as far as f'm concerned.

Councilman Morrison; Do you not also vote on that commission?

Councilpresident Ackerman; But that is by law.

Councilman Morrison; But this is just exactly what I am getting at, any type of labor person can lose aloc of expertise , but does not have the valuable imput that elected officials or persons that knows the particular phase of the job or advocation or which ever they are going to discuss. I know, myself, I've set on various commissions of various companies and I've felt that I could not render a good just decision due to the fact that the imput I did not possess. So I think it works both ways.

Councilwoman Davis; I agree with parts of what have been stated. We know a lot of people working for the city in all phases and just because I might work for the parks department for example I don't feel this eliminates my ability to serve on the Human Rights Commission. We eliminate a whole group of people from participating in these areas with this.

Councilman Towell; I see the force of some of the things that Charlotte is saying. It is clear that somebody could work in some city department and then serve in some other city area without taking on any other role except citizen in some way. I think in that case, maybe if we have a general policy like that we can go back and ammend and say no more than two employees for a certain commission or something like that or make it another general policy like this if we want to prohibiting a certain percent. But I think the direction of this ordinance is good.

Councilwoman Zietlow; As I say I understand the direction and I sympathize with the direction in that I worry about the conflict, but I just really wonder if in fact this does protect the city from the conflicts of interest that we are really interested in in a sense of interest that you were using in the last meeting . . . Al. I wonder if in fact if we are getting at that sort of thing with this ordinance, maybe we should amend it to put a limit on things, but I think to prevent certain people from participating in things without really assuring that the problems that I'm concerned about are dealt with, would not be profitable.

Councilpresident Ackerman; I would just like to remark that the dangers that Councilman Morrison, Behen, Councilwoman Davis and Zietlow pointed out, that a certain group is being excluded, but I think the dangers of having people who work for the city participate on the boards and commissions are greater than the problem of their being able to serve on boards and commissions so I think that the overall thrust is for me more important.

Councilman Fix; I would suggest that if there is any full time employee or elected official of the city that does not feel that he is involved in city government should probably resign so he could be on these boards and commissions.

Councilman Mizell; Again, my interpretation of this ordinance is not to exclude people from participating. I think the term participation has been battered about here and I don't see anywhere, in this ordinance where anyone in the city whether employed or not is excluded from participating, in any board or commission. This only speaks to having a vote on that board. But anybody who is interested in the workings of any board or commission is certainly welcome to participate in the discussions

of those boards, even with this ordinance.

Councilpresident Ackerman; I would think there are enough talented people in the city of Bloomington that could be brought in to supplement those who are already working in the city.

Councilwoman Zietlow; I wonder if it would be possible to revise this ordinance or to develop another ordinance which would deal more directly with the problems which we are discussing? Again just not excluding but trying to protect.

Councilman Towell; I think perhaps that there is a misconception about what problems this goes to. I don't think that we are protected from anything very much by this, and I think that often city employees can be very good commission members in the sense of citizens. But you know this is a broad stroke in one direction and it looks at the thing from a distance and averages things out, and there is always some injustice about it. I know of people you are thinking of when you speak about boards and commissions, so I think I am sensitive to that. I would like to go along with the idea that boards and commission are really for citizen input. And that is the value here, its not protecting us so much from anything else. Certainly its not going to deal with conflict of interest, or this sort of thing. In general this is not the problem.

Councilman Behen; Councilman Towell covered some of what I had in my mind, but the way you phrased it, Councilpresident Ackerman, you said the dangers involved, and I thought one of you who were so zeles on the subject might explain what those specific dangers are.

Councilpresident Ackerman; I think it becomes very circular when working, my motto is, Charlottes motto is someone from environmental working in Human Rights Commission or something like that. But it seems to me that if I am an employee of a certain department, it is very circular for me to sit on the board which makes policy for that department. That this becomes too much a closed club for this kind of thing. And it seems to me that the purpose of having a board and commission is to open, is to open city government up to outside citizen input and that is, as Al has said, you have to weigh things out in this sort of ordinance and that is where I fall more for the citizen input, and hopefully we will get the kind of expertise from other parts

of the city of Bloomington, rather than from that one city employee.

Councilwoman Zietlow; Before I move this may I suggest a possibility of amending this to say a full time employee or elected official of the city may not serve as a full voting member of any city board or commission in an area in which he is an employee or something like that? I'm suggesting this as an idea for discussion.

Councilpresident Ackerman; I would support that.

Councilman Towell; Well, there are great differences between the jurisdictions and confidences of commissions. The human rights commission is quasi judicial and I think it ought to be protected very strongly. That's one I won't make an exception for. In the future if we start making exceptions in ordinances, even though I say that would amount to injustice in at least one case that I can think of, and then some of the others, it's hard to deny someone who has had an interest in the environment all their adult life a chance to participate in the environmental commission because they have a job with the city. It's very hard to see that kind of thing would be undermined by any relation to the city of employment sort. On the other hand, we do want to open this up to the citizenry. A board like the Utility Board is so important to the city and fundamental to all it's activities, that I think I want the experts there dealing with people that are more attached.

Councilman Behen; As councilman Towell pointed out, if a person had an interest all their life in Parks and Recreation then happen to become an employee of the city, then you wouldn't give them the right to sit on that board.

Councilman Towell; I don't see the compelling reason there.

Councilman Behen; Well I mean are we talking specifically about one board?

Councilman Towell; No, what I said was that, even in the case of the Park Board or the Environmental Commission, even the value that I would put foremost would be the citizen participation even though I wouldn't see that a conflict would arise.

Councilwoman Zietlow; As I said before, it seems to me, I can not agree more that I think boards and commissions should be open to citizens

that we should get as broad a representation as possible and I would not think as a general policy its at all a good idea to put forth city employees on boards and commissions. However I think that is a matter of sense. I guess I resist the idea of trying to in this case, reform character of appointers by possibly excluding possibly good people.

Councilman Fix; I still go back to the reason for boards and commissions is to bring in citizen input. And I say whenever we entertain the idea of putting full time employees and elected officials on boards and commissions, established to be for layman involvement in government, then we are actually saying we do not have enough layman in the community, to fill out the functions of boards and commissions.

Councilwoman Zietlow: The,--- opposing this does not mean I am in favor of putting a lot of city employees on boards and commissions by any means. On the contrary I do not believe that is a good policy.

Councilman Fix; What I am saying, that is-----

Councilwoman Zietlow: What I said is that I think there is a possibility that there might be, I think actually that we should not put city employees on boards and commissions if at all possible, but I am not willing to vote against that.

Councilman Mizell; I just wanted to say that statistically, your odds of getting a person who would add something to a board or commission from the general public are much greater than they are from getting one from the other field.

Councilwoman Zietlow; I think the implication that by not voting for this we are voting for putting nothing but city officials and employees on boards and commissions, is a very misleading conclusion and very wrong.

Councilman Mizell; I don't think we are voting against that at all.

Woman from the audience; I think I would prefer to see Mr. Mizell put on the plan commission, than three realtors.

Councilpresident Ackerman; That is a point well taken. The ordinance states that in those boards or Commissions where state law demands

that a representative from the city council be on the plan commission, this ordinance would not affect Mr. Mizell's position on that commission.

Mr. Wild; I just wanted to emphasize the point that as a part time employee of the city myself I've had occasion to meet quite a number of people who are employed by the city that have agreed that they are not in a policy position who are interested in giving real input to the city. These are not maybe influential people but the typist etc. that have a real interest in the city.

Councilman Towell; I'm always for trying to get something on the table or out in the way of a motion which reflects an opinion which I think is an important opinion in the meeting. and therefore, let me see if I can capture that in an amendment and that would be to modify the fulltime employee or elected official by adding some more restrictions such as full time supervisory or policy employee. Perhaps thats as far as we need to go with this.

Councilpresident Ackerman: Is there a second to that amendment?

Councilwoman Davis; I'll second it to get it on the floor.

Councilpresident Ackerman; The amendment is to qualify that by saying instead of a full time employee or elected official, it would be, a full time supervisory employee or policy making employee or elected official.

Councilman Fix; Well I go back to the Utility Budget to when we were looking at the salary ordinance. They were trying to determine why some people were paid by the hour and some people were paid on salary, and it is pretty hard to determine, why some people were salaried and some people were hourly and this goes to the definition of supervisory order.

Councilwoman Davis; I just think that that's really discriminating against some people. I had occasion to work with someone once where I received a note that I would have to ask permission before I could participate in any professional organizations, etc. and I found out I really resented that and this is almost what we are doing to the people who work for the city. We are saying that if you work for the city you don't have any right to serve in any kind of governmental work. We are enacting the Hatch Act practically on our city employees as far as city government is concerned and I don't

think it is a fair thing to do.

Councilpresident Ackerman; I don't know if this is a proper analogy, but isn't there a requirement that no teacher can serve on the Monroe County School Board?

Councilman Fix; How about adding on to the end of this sentence without consent of the Mayor and the Common Council.

Councilpresident Ackerman; Wait, I don't understand this as an amendment related to this amendment.

Councilman Towell; It could be if I accepted it. But I think I am satisfied with my amendment right now and we can try that later if necessary.

The amendment is defeated by a unanimous vote of AYES 0, NAYS 8.

Councilpresident Ackerman; We are back to the ordinance, is there further discussion on this?

Councilman Fix; I will amend the ord. to, after full voting member of any city board of commission without the consent of the Mayor and the Common Council. Councilman Towell seconded the motion.

The amendment is defeated by a vote of AYES 4, NAYS 4. Nays: Morrison, Behen, Mizell, Davis.

Councilpresident Ackerman; Are there new points to the ordinance.

Ordinance 74-57 is defeated by a ROLL CALL VOTE OF AYES 4, NAYS 4. Nays; Morrison, Behen, Zietlow, Davis.

Councilman Towell; I really regret that Councilman de St. Croix is not here. I think he loses the moral effect of his point about generalizing all boards and commissions by not participating in this discussion. Especially since I think it was partially on his say so that we remove it from the table for this meeting.

NONE

Councilman Morrison moved that Ordinance 74-84 be introduced and read by the clerk in its entirety Councilman Behen seconded the motion. The motion carried by a unanimous voice vote of the Council.

PETITIONS AND COMMUNICATIONS

Ordinance 74-84 - Amending Site Plan

Grace Johnson, City Clerk, read ordinance 74-84 in its entirety.

Councilman Morrison moved 74-84 be adopted. Councilman Behen seconded the motion.

Councilpresident Ackerman; Mrs. Shaffer could you give us a background on how this ordinance came into being.

Mrs. Shaffer; This ordinance came from the Planning Commission.

Councilman Towell; I would just like to point out general background on the Site Plan Ordinance. That is early in the administration we met with some builders and developers who were unhappy about correct zoning being reserved on land they held until plans were coming to perition. And they were unhappy about this because the plans could never get going. They said because you couldn't get any financing until you had correct zoning for a project. Therefore we tried to find a way around this situation and and what I think is basically missuse of the zoning ordinance. So the site plan ordinance was an attempt to deal with performance standards in one place and possible types of development in another place. At the time that we did this we didn't think we had all of the appropriate details worked out but the general idea we thought was sound.

Ordinance 74-84 passed by a ROLL CALL VOTE OF AYES 7, NAYS 0. Councilman Mizell was not in the room when the vote was taken.

Councilman Morrison moved appropriation ordinance 74-16 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion passed by unanimous voice vote of the council.

Appropriation ordinance 74-16 Parks Dept., Fire Dept., MVH

Councilman Morrison moved 74-16 be adopted. Councilman Behen seconded the motion.

Councilpresident Ackerman; Lets take these one at a time and try to get the discussion out. As far as the fire department equipment, chief Goss do you want to make any comment about that.

Chief Goss, Fire Chief; the reason that that was put in there, on this new ambulance we bought, we were going to pay for it with Revinue Sharing money but the state questioned this, we can't match this with Revinue Sharing money, so I took it out of my budget that I had for a new fire truck and am trying to get it back in. Seventy percent of

it will come back to the general fund.

Councilpresident Ackerman; This is the entire amount and we're going to get seventy percent back from the state?

Chief Goss; That's right.

Councilpresident Ackerman; Is Jim Wray here? I just saw him a few minutes ago. Maybe we could go on to the park district construction fund, Bill?

Bill Wilson, Parks Director; Yes, this is the \$550,000 bond that is part of the bond issue. At that time we did not know exactly how much money we had coming on the Federal Refund. This amount now being appropriated, we would get sixty thousand dollars.

Councilpresident Ackerman; So this does not come out of the tax rolls. This is the Federal Funds you are now receiving.

Bill Wilson; Yes but it is included in all the bids that were left.

Councilpresident Ackerman; Jim will you make comments on this \$ 12,000 request for repair parts.

Jim Wray; It is significant to note this year, repair parts is a small part of our operations. We are \$2,200 in arrears for bills from August and September from the maintenance department. It is not my anticipation that between now and December 31st we are going to run the \$12,000, but this puts in an account that we can transfer later since we do have to go the additional appropriation round and it will take some time to get it through the state. Other departments are going to have problems with fleet maintenance with the increase in gasoline and other general maintenance items with costs increases this year.

Councilwoman Zietlow; Are we to understand then that these are unappropriated funds for the MVH funds and the same is true for the general funds in the fire department.

Martha Simms; That is true. They have not been appropriated, but we will get them back. Any time there is a refund on any grants we have to appropriate it.

Councilman Towell; My question goes along that line too. Then the \$16,000 is the federal grant?

Martha Simms; No, when the \$16,000 comes we put it into the general funds then it has to be appropriated.

Councilman Towell; So this is really the

Federal part of the equipment purchase is that right? I'm sorry, state not Federal. I have a problem with this because just as a general policy I am voting against appropriations from the general funds that don't specifically come from grants. I believe we did have money for something that was denied we didn't have and we keep discovering more money in the general fund as we go along so I am voting against all appropriations since this summer. I'm talking about swimming to be exact.

Ordinance 74-16 passed by a ROLL CALL VOTE OF AYES 5, NAYS 3. Nays: Fix, Mizell, and Towell.

Councilpresident Ackerman; Before we go to the next point, Mr. Wilson has asked if he could briefly discuss resolution 74-52. Just to give us information because he needs to leave.

Mr. Wilson, Parks and Recreation Director; Had to get a motor at the ice rink and this is the reason it is to be put back into the budget to pay for it.

Councilpresident Ackerman Thank you.

Councilman Morrison moved that ordinance 74-85 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion was passed by a unanimous voice vote of the council.

Ordinance 74-85 - Taxicabs

Grace Johnson, City Clerk, read 74-85 by title only.

Councilman Morrison moved 74-85 be adopted. Councilman Behen seconded the motion.

Mr. McNeeley, Taxicab Company owner; I understand already that the paper, I was going to ask for a tabeling of this, we discussed this, you and I did, but I think we can go ahead and see if anyone would like to look at it. I would like you to see tonights paper where they put in what I asked them not to.

Councilpresident Ackerman; What did you ask not to be put in.

Mr. McNeeley; It is being passed down to you. Here are some other pictures that have something to do with this ordinance also, the reason why we want this ordinance passed. I feel that by passing this ordinance we are going to keep the taxicabs of this community clean. In this article here is what I did say but I requested the gentleman not to quote me, but I got quoted straight out. It is the truth really but , another thing we want to represent here

is Mr. Black of the university, did a survey on the cabs some time ago and it proved that this is the only rout to take. He knows what the situation is and why this cab company foided up, because there just isn't enough business in Bloomington to support more than one cab company. Some of you may agree with me or not. Back in January of this year I offered to sell this cab company to the Campus Cab Company due to the fact that I didn't think one of us would ever remain in business because we were both legitimate cab companies, making good profits. And there are just not enough people in Bloomington to support two companies. So we have been tossing this around ever since January and the other gentleman got so far in debt that he had to fold. This ordinance that I based ours on came from Muncie and they also have this ordinance in Terre Haute. I have checked with these cab companies and they are good clean cab companies. So I think the ordinance has cleaned up the cab companies and will keep them clean. Now we talk about monopoly in the cab business, I think that the busses have the monopoly all the way down the line. The only thing that is being changed in this whole thing is the last paragraph. The rest of this is already in the ordinance to start with and has been in there since back in the forties. So its not, the only thing that I wish to be added is the last paragraph in the ordinance. Possibly some of you have made up your mind already, which is alright, but I think that for the good of the community this thing should be passed.

Councilpresident Ackerman; I have copies of the Muncie and Terre Haute ordinance which I don't think the whole council has, and the Muncie ordinance says that there must be at least five taxicabs and I don't see that the Terre Haute ordinance says anything about the number of cabs that must be, or are required. How did you arrive at the number of twenty? Say a man thinks he can give complete coverage to the city of Bloomington, through a unique way, say a two-way radio system or something like that with twelve or ten cabs, isn't this a restriction of free enterprise?

Mr. McNeeley; I don't think this is a restriction of free enterprise for the simple reason that you are talking about a large University here, where as in Terre Haute and Muncie they don't have such a large

University, and they don't have, and of course they operate different, and their ordinance is different in many ways from ours. But this one paragraph is in their ordinance.

Councilpresident Ackerman; Well I can see a number like five that it would have to be at least some kind of a company, what size is Muncie?

Mr. McNeeley; They have so many federal buses in Muncie that they are running out their ears. We don't have federal buses in Bloomington. These are city buses that we have.

Councilman Behen; Mr. President, do either of those ordinances that you have there in their entirety quote the vintage that the taxi should be.

Councilpresident Ackerman; No, "no license should be issued for the operation of less than five motor vehicles and taxi cab services and unless a sworn statement required by the following section clearly discloses that the applicant is financially solvent and is the sole owner."

Mr. McNeeley; You don't have the whole ordinance, it does state it in the part you don't have.

Councilwoman Zietlow; Do you have the entire ordinances from these cities? Because we don't have the number of the cabs.

Mr. McNeeley; There are five in the Muncie one and ten from Terre Haute. But I don't think the number is all that important, I think due to the fact that Bloomington is the larger University town, I think 20 is a fair number. Because anybody that wants to get into the business today, it would cost them \$125,000.00. They would probably loose \$100,000.00 the first year. These are the same ordinances, you want to talk about rates and monopolies, we have the largest competitor in the world here with the city buses, and the university buses which we can't compete with. But we are going to try to. But we are just getting completely run over all the way with buses.

Councilman Behen; I can't see where the elimination of any competition would solve that problem. If you say a person has to invest \$125,000.00 with a forseable future of loosing \$100,000.00 I can't envision anyone wanting to go into competition with you with that kind of a loss. This doesn't solve your problem as far as the bus line is concerned.

Mr. McNeeley; Yes it does. Well your going to have, if this does not eliminate the dirty cab your going to have it to compete with, along with the buses.

Councilman Behen; What do you mean the dirty cab?

Councilman Ackerman; Read the IDS article, "a vote against this article is a vote for booze, dope and loose women."

Councilman Towell; I have been handed a question for Mr. McNeeley. How many cabs do you have?

Mr. McNeeley; 25.

Councilpresident Ackerman; Are 20 of those less than one year old?

Mr. McNeeley; No sir.

Councilpresident Ackerman; So the new people have to be even better than the people already here?

Mr. McNeeley; That's right.

Councilman Towell; However I imagine that Mr. McNeeley would say that with the kind of business he would have now he would be upgrading.

Mr. McNeeley; Our cabs are the best in the state right now if you want the truth of it. If someone came in better we would upgrade. We also operate cheeper than any city in the United states I would say.

Councilpresident Ackerman; Is there anything in our city ordinance which says anything about the number of cabs for an applicant? A person could open up his own cab company with one car? It would seem to me Corporate Council do you have any pearls of wisdom for us about the minimum number of cars the city of Bloomington should have to open up a cab company. That is an individual.

Corporate Council, Jim Regester; I don't see that the number is important. I think the safety would be a more important factor. I can't see why a number would be a legal requirement.

Maggie Shaffer; Councilpresident Ackerman, I, when I talked with city attorney Larry Owens about

this, he said the only case he remembered recently of someone who was trying to start a company, wasn't really a company, it was a disabled veterane who wanted to drive his one car around. And Larry said he had told him at the time that under our law he could but he doesn't remember what the guy did about it. But, I think there are instances where there are persons who might want to drive one cab.

Mr. McNeeley; The old ordinance says you must maintain a continuous service. If the guy wanted to do that I don't know how he would stay in service unless he was going to drive 24 hours a day. There have been three cab companies in Bloomington. The I.U. Cab, the Campus Cab and the Yellow Cab. The I.U. Cab was sold to the red cab of Indianapolis, and they went broke. The Campus Cab and we have been contendore for many years, but with these buses thrown in on top of it all, and the expense of the fuel that they did not pump, they went out of business.

Mr. Regester spoke from the audience at this time but was not audible. He spoke regarding the number of cabs required, and whether the applicants for licenses must be new.

Maggie Shaffer; Can I at some point register some of the public reaction we had?

Councilpresident Ackerman; Go ahead now.

Maggie Shaffer; We have been receiving some calls registering complaints to be frank about it about the current taxi service. I just received a call during this meeting from a woman from Chicago who commutes here to Indianapolis then to Bloomington, while she is finishing up a degree here at Indiana University. She has had a number of very bad experiences with transportation from the airport and she wanted me to put it into the record. She had sent us a letter however she had let her children mail it and they didn't so we don't have the letter. Her name is Mrs. Zinniger of 1740 Terel Court, Dearfield, Illinois 60015. She has repeatedly been unable to get cab service from the Monroe County Airport into the university, and she has made repeated arrangements with the cab company to have a cab waiting to meet the plane. The airport authority told her that the contract Mr. McNeeley has with the airport is that he is to have a cab to meet every plane coming in. In addition when she has arrived and

the cab has not been there, on now three occasions recently they have called for the cab, about 20 minutes later the cab was called for again, and eventually someone does appear. The last time she was flying into Terre Haute then over to Bloomington, called from Terre Haute to have the cab meet the plane in Bloomington and again no cab. She is not the only one but I do think we should get it into the record about people complaining about the current service.

Mr. McNeeley; Could I answer that please? This lady that you have reference to, she had personally asked for a certain driver. In other words, just last week, we had a cab setting out there and she would not ride that cab, she wanted a certain driver. Well that driver happened to be of course on the other end of town. We have called the airport to check on this and they said not to their knowledge had anyone waited too long on a taxi cab. This lady then called the President of Allegeny to complain about the service out here at the airport. I think it is an unfounded complaint because of her insistence of one certain driver.

Maggie Shaffer; That is not the story that she told me, except that the most recent time she did ask in advance for a certain driver because that is the driver that had finally shown up and had been very cooperative in the past. And at that time the airport manager told her that this was a frequent problem but there was nothing he could do about it because there was only one cab company.

Councilman Towell; Would you be for this ordinance, Mr. McNeeley, if we took out the word new.

Mr. McNeeley; No I don't think so.

Councilpresident Ackerman; Our corporate Council has already warned us that the gearing of this only to new applicants does make this a discriminatory ordinance.

Councilwoman Zietlow; I don't really understand how we can limit this in this way to somebody who already has a going concern.

Councilman Morrison; Mr. McNeeley does have some good points. Because in like Chicago they can really mess you up there, and a cab ring is a hard thing to break.

Corporate Counsel; I'm interested in adequate transportation for everybody, without being discriminatory.

Councilman Morrison; Why couldn't we say any non established applicant?

Councilpresident Ackerman; That is virtualy the same.

Councilman Behen; The ramifications of this ordinance are ones that I feel that we can not support. I feel that what applies to anyone that wants to go into business must apply to you also. What you are saying here is that to go into business the cabs must be no more than one year old but if you are already in business they can be four years old.

Mr. McNeeley; That's right.

Councilman Behen; Then it is applicable to only a new person going into business and that's the reason I can't support it. You would be in trouble right off the bat.

Councilman Towell moved that we change 20 to five cabs and remove the word new. Councilman Mizell seconded the motion.

The amendment passed by a ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman Mizell and Councilman Fix spoke for the amendment, but were not entirely audible.

Maggie Shaffer; Two points for discussion, one, Mr. McNeeley has been saying continuous means 24 hour a day service, and it does not. The other point is what affect this has on other businesses other than the cab company.

Councilman Mizell; I may be wrong, but the very use of the word license is that you are setting a standard that will be required for the businesses in its community.

During a tape change some of the discussion was lost and the following will be summarized from notes.

Councilwoman Davis moved to strike words "that are less than one year old." Councilwoman Zietlow seconded the motion.

Amendment failed by a ROLL CALL VOTE OF AYES 3, NAYS 5. NAYS; Morrison, Fix, Mizell, Towell Ackerman.

Councilman Towell moved ordinance 74-85 be adopted as amended. Councilman Mizell seconded the motion.

Ordinance 74-85 passed by a ROLL CALL VOTE OF AYES 7, NAYS 1. NAYS Ackerman.

Councilman Morrison moved that ordinance 74-86 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

74-86 - Utilities Rates

Grace Johnson, City Clerk, read 74-86 by title only.

Councilman Morrison moved 74-86 be adopted. Councilman Behen seconded the motion.

Councilman Towell; this is part of the package that we promised everybody when we passed the new sewer rates, then somehow it got dropped out, so I think we have a moral obligation to carry through on this.

Councilpresident Ackerman; All we are doing here on this, what the law says is June, July, August, we are not adding the entire section, we are just adding September.

Mrs. Deckard; She spoke to this ordinance but the audience mike did not pick up what she said.

Ordinance 74-86 passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved 74-71 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion passed by a unanimous voice vote of the council.

Ord.
74-71 - Sergeant at Arms

Grace Johnson, City Clerk, Read 74-71 by title only.

Councilman Morrison moved 74-71 be adopted. Councilwoman Davis seconded the motion.

Ordinance 74-71 passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved 74-81 be read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

74-81 - Zoning

Grace Johnson, City Clerk read 74-81 by title only.

Councilman Morrison moved 74-81 be adopted. Councilman Behen seconded the motion.

Mr. Crossman explained the property.

Councilpresident Ackerman; Tom, just one quick question. Does the ordinance, the way it came to us reflect the planning depts. recommendation that the logical boundaries would be drawn between lots 28 and 30?

Mr. Crossman was not audible.

Councilman Mizell; I would like to elaborate on that. If you will notice the vote of the commission was 6 to 3 in favor. But the three votes cast against it really represent those votes who felt the plan departments recommendation should have been followed. I don't think anybody on the plan commission was really opposed to the BA zone being continued to that point 300 feet south of 17th street. I think it would be an excellent addition to the community. But I do believe the minority voted against the petition which was presented by the petitioners to honor the line which the plan commission had previously set up.

Councilpresident Ackerman; Was that amendment ever made? The notes don't indicate that anyone ever made an amendment that supported the recommendation of planning department.

Mr. Crossman; It was passed as requested.

Councilpresident Ackerman; Can we amend?

Councilman Towell; Yes.

Mr. Crossman; I am going to have to speak as a member of the staff and not as a member advocate of the positions the planning commission has recommended to you. But the line that we had suggested, there is a small alleyway, that is approximately 300 feet off 17th street which would represent a continuation of the zoning line on property which is next to Dyer School. The Planning Departments felt that would be a more appropriate zoning line.

Councilman Mizell; The only comment I would like to make is that wherever possible in the past, the plann commission has developed the stance that it is better to change a zone at an alleyway rather than streets where the two zoning jurisdictions face one another directly. And the alleyway.

where the plan department had originally recommended that the BA zone be stopped coincides with the area which is required for the improvements to the existing facilities, but still allows enough land to be developed in the higher density residential use which would then serve as a buffer for the existing residential use from that BA use. So at least for the minority, it seems to make better sense to have that petition broke between lots 28 and 30.

Councilweman Zietlow moved that ordinance 74-81 be amended to conform with the recommendations of the planning department. Councilman Mizell seconded the motion.

Mr. Schmaltz; The history of this was that this was originally zoned business and at the time it came along about the time the West Side PAC group was being organized and also about the time that the new ordinance was being brought along the new zoning ordinance. And at that time we had fully intended to develop this entire piece of property. But at that time we were told it was preferable that since there was no development on it that we should probably bring it in as it was brought in at that time. And I think at that time perhaps the PAC group did feel that they wanted input and impact to decide what should be done. However, I would like to read a letter from the PAC group to the Council if I may.

"My Dear Mr. Crossman; West Side PAC instructed me to express their approval of BA zoning of the property owned by Mr. Richard Schmaltz and Mr. Pet Dunn, south of the business strip on 17th street west of Jackson street. The PAC does have a real concern that the proper buffering be used on both 16th and Jackson and around any parking area that may be introduced in the area. We also are concerned that all majors necessary be taken to protect the homeowners of the area from any drange problems that might arise from development of the area. Very truely yours, Elizabeth Bridgewater. Now, there is a tremendous drainage problem there, and we are perfectly willing at our own expense to take care of any drainage that comes down Jackson and flows down 16th

to our property. In fact we have already, we have a catch basin that we have spent considerable money on in the center of the property and we will eventually have to take this up to 16th street and put another catch basin there to catch the water so we can take it on by. So we will at our own expense do this. Now there are several reasons for requests we have and the way we want it and hopefully that you will give consideration to not passing this amendment. That is I think basically the general usage of the area. First of all, there has not in this entire area been any family development other than an apartment house over on Maple. There is an apartment house on the south side of 15th which has been built in the last two years. Those are the only two that I can think of that have been in this area for quite some time. One of the reasons that we have to request the entire area is, when we joined this, when we go up to this point we have to have business adjoining what we have developed. Now we intended to have all of the entrances to this property off of 16th street none of it off of 17th. I should also tell you that 16th street is an unimproved street except for a short distance by the apt. houses over on Maple. Now the area that we need to have here we intend to enter off of 17th. We own all of the property on Jackson between 16th and 17th except for one, but the owner of this property is joining with our request for zoning. Everything down 16th to the rear of the apartment houses on Maple is ours. So if you see my point here we will put a road back on our own property so anyone that must enter off of 17th can get in.

Mr. Crossman; I think Mr. Schmaltz presentation is what was presented to the plan commission. I think the planning commission rational was along that of Mr. Schmaltz's. Things were unaudible here.
Councilman Towell; Then your saying that we're not protecting anything by going on with the amendment really.

Mr. Crossman; Right, at the present time 16th street doesn't go anywhere.

Mr. Schmaltz; There is only one home there and then there is a garage that has been there for years.

Councilwoman Zietlow; I want to be sure, Mr. Schmaltz, would you bring your map up and explain this area to me again.

This was done with no audible discussion for the minutes.

The amendment failed by a ROLL CALL VOTE OF AYES 3, NAYS 5; NAYS; Morrison, Behen, Zietlow, Towell and Ackerman.

Councilman Morrison called for the question on the adoption of Ordinance 74-81.

Ordinance 74-81 passed by a ROLL CALL VOTE OF AYES 7; NAYS 1: NAYS; Mizell.

Councilman Morrison moved Ordinance 74-83 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

Ordinance 74-83 - Zoning

Grace Johnson, City Clerk, read 74-83 by title only.

Councilman Morrison Moved 74-83 be adopted. Councilman Behen seconded the motion.

Mr. Crossman; I have been looking over the minutes here and about all I can say is that the planning commission passed this on to you with their recommendation. I will speak for the staff on this if you ask me to. The staff in this case looked at this from the standpoint of the general plan that the community has adopted and found that there is nothing in the area that would indicate that a commercial zone is appropriate here. We looked it at the standpoint of spot zoning and found that we have a spot zone. We also looked at it from past history and discovered that this piece of property was discussed at the time we adopted the zoning maps, that the new ordinance, and in fact the request for commercial zoning was rejected it was debated again, when it was then requested that this property be reconsidered some year after the new ordinance was established, no action was taken and it was not pursued on behalf of the applicants. We looked at the roadway, there is the possibility that the establishing of a commercial zone here would set a precedent for the roadway and we could end up with a will-nilly arrangement of commercial uses. Essentially we can find no position or argument on behalf of the applicant to say yes we should establish this zoning.

Councilpresident Ackerman; Why did the commission, could you give us the positive side?

Mr. Crossman; The only rational that I can see at this point was that if your familiar with that part of the community, there is a number of businesses if you go far enough from the site and there were no neighbors that had any direct opposition to this proposed use.

Mr. Clandennan; spoke for the zoning for Mr. Thrasher but was not totally audible. He stated that Mr. Thrasher bought the property with the intention of building a small warehouse to store materials. That that particular piece of property had been used commercially for some years and seemed good for his use. He then talked about the surrounding properties how they are used, and what the zoning is. Most of the properties are businesses and have heavy equipment coming in and out. He stated that they would not have as extensive a heavy equipment traffic as others in the area. He also stressed that there are many uses of properties in that area and that they are not out of line with what is in the area in wanting to put their particular business in. When bought he was led to believed that it was already commercial property, and that his expected use would not change the nature of the neighborhood and that if the zoning does not go through and the property is neglected, that the neighborhood would be changed more and for the worse possibly.

Councilman Mizell; I would like to begin by applauding councils statement. It was an excellent presentation. However I feel, I have to take exception with just about everything he said. 1) it is true that at the time the property was considered by the commission for zoning there was a grocery store at that location. However, very unfortunately soon after there was a fire which destroyed the properties use. Mr Sergen at one time approached the plan commission to restore the property, which would have been entirely proper and would have been much better for the present owner if he had completed it. However, he did not and therefore the property was without a continuous use for six months and the use lapsed because its catagory was that of a non-existing use. So the zoning was not for a business. The MQ has to be ther by virtue of the fact that it is being used because

of the natural resources, the soil. This indicates it is a quarry. As far as the BA zoning, this is for the Carpenters Hall grant. This is a BA zone use. I would agree with counsel that there might have been an initial error in the zoning of the RS and I would further agree that the entire area should be looked at again and perhaps some other classification should be designated, but that the entire area should be considered at one time rather than picking off in classical spot zoning tactics one acre at a time. I think this is what the objection was. It is particularly dangerous at this point because just a little off the area is the By-pass. So what we have essentially is a corridor which is narrow and there is quite a bit of heavy traffic. If that street were again cluttered up with parcels of BA all the way to the by-pass we would have again defeated the purposes of orderly planning. Now I'm not saying that this should remain as RE or RS but what I am saying is that we would be much better off to look at the entire area rather than one piece at a time.

Councilman Behen; Were not being asked to consider the whole area and I take it that was a minority report from the plan commission, do you have a majority report to give to?

Councilman Mizell; It was as slim a majority as you can get, 6-4. One point that I might add, that the, one of the votes in favor of the petition and against that of the plan department was that of the City Engineer. This was without any prior consultation of the plan department that he voted against it.

Mr. Thrasher spoke from the audience but was not totally audible. He spoke to the improvements of the property.

Tape change

Mr. Crossman; If you look at the plan use map, the predominate use in the area is single family use with the exception of the Carpenter Hall and another lot. All of the indications on your map are either single family dwellings or mobile homes. I don't really think there is reason for zoning other than single family. We should develop new classifications if at some time it is decided that this area should become something other than what it is zoned.

Councilman Towell; I think that statement was a little unfair because I know the area fairly well, in fact my present wife lived out that way when I first ment her. The by-pass is something that has happened fairly recently out there. Then I remember driving back in the MQ zone and there is an active quarry there and there are trucks that come out, and it is grown up so you don't see it from the road but it is still active and I think that is part of the general character too. I don't have an answer for the proper zoning of the area but I wonder if what you are depicting is really a fair idea of the area. Would people build houses there now?

Mr. Crossman; I think there are two or three very fair considerations. First of all I did not list the quarry as a use because I think that it is used as natural resources. I think it is very hard to answer whether homes will be built. The answer there could be anything we wanted to make it.

Councilwoman Zietlow; The intended use of this property would be a warehouse is that right?

Mike trouble did not enable us to get the full conversations following.

Councilman Morrison; I'm not disputing the words of Tom Crossman, but I am going to correct him. Bob Hall has been there 20 years, Number 2, that's all dump land out there, Mr. Thrasher owns the only piece of property that is on really solid ground. From 11th street on used to be the old city dump. North of Mr. Thrasher's property is more dump. So I would like to see a guy that would put a \$30,000 home on top of a city dump.

Councilman Behen; I just wanted to reemphasize myself to a remark earlier made, Would a person build a single family home there? And I think you can answer your own question here.

Councilman Mizell spoke again on doing things as a whole instead of spot zoning. Stating that changes needed to be made through palnning instead of spot zoning.

Councilman Fix spoke about being in Owensburgh Kentucky lately and the nice spot zoning they have there but that it was obvious they had planed it and had a desire to blend things to a good look.

Ordinance 74-83 passed by a ROLL CALL VOTE OF AYES 5; NAYS 3. NAYS; Mizell, Towell, Ackerman.

Councilman Morrison moved 74-73 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by a unanimous voice vote of the council.

Ordinance 74-73 - Annexation Between Windmere Addition and Moore's Pike

Grace Johnson, City clerk, read 74-73 by title only.

Councilman Morrison moved 74-73 be adopted. Councilman Behen seconded the motion.

Mr. Regester spoke to these annexations and told where they were. It is the Windemere addition.

Ordinance 74-73 passed by a ROLL CALL VOTE OF AYES 8; NAYS 0.

Councilman Morrison moved ordinance 74-74 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by a unanimous voice vote of council.

Ordinance 74-74 - Annexation N.E. corner of Hillside Dr. and High St. (Stier Park)

Grace Johnson, City clerk read 74-74 by title only.

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

Mr. Regester pointed this property out to the council.

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

Councilman Morrison moved ordinance 74-75 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by a unanimous voice vote of the council.

Ordinance 74-75 - Annexation N. of Moore's Pike and E. of Winfield Road

Grace Johnson, City clerk read 74-75 by title only.

Councilman Morrison moved 74-75 be adopted. Councilman Behen seconded the motion.

Mr. Regester pointed this property out to the council.

Ordinance 74-75 passed by a ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman Morrison moved ordinance 74-76 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

Ordinance 74-76 - Annexation S. of Maxwell Ln. and between Maxwell Terrace and Greenwood Ave.

Grace Johnson, City clerk read 74-76 by title only.

Councilman Morrison moved 74-76 be adopted. Councilman Behen seconded the motion.

Ordinance 74-76 passed by a ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman Morrison moved ordinance 74-77 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

Ordinance 74-77 - Annexation S.E. corner of S.Hwy.#37 and Miller Dr. incl. Bloomington Southgate Shopping Center

Grace Johnson, City clerk read 74-77 by title only.

Mr. Register pointed this area out to the council.

Ordinance 74-77 passed by a ROLL CALL VOTE OF AYES 8. NAYS 0.

Councilman Morrison moved ordinance 74-78 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

Ordinance 74-78 - Annexation N.E. corner of S.Hwy.#37 and Miller Dr. incl. other properties, Ardmore Apts.

Grace Johnson, City clerk read 74-78 by title only.

Councilman Morrison moved 74-78 be adopted. Councilman Behen seconded the motion.

Mr. Register pointed the area out to the council.

Ordinance 74-78 passed by a ROLL CALL VOTE OF THE COUNCIL OF AYES 8, NAYS 0.

Councilman Morrison moved ordinance 74-79 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by a unanimous voice vote of the council

Ordinance 74-79 - Annexation S.E. corner Maxwell Ln. and High St.

Grace Johnson, City clerk, read 74-79 by title only.

Councilman Morrison moved 74-79 be adopted. Councilman Behen seconded the motion.

Mr. Register pointed out the area to the council.

Ordinance 74-79 passed by a ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman Morrison moved ordinance 74-80 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

Ordinance 74-80 - Annexation N.E. corner Moore's Pike and Valley Forge Road

Grace Johnson, City clerk read 74-80 by title only.

Councilman Morrison moved 74-80 be adopted. Councilman Behen seconded the motion.

Mr. Register pointed out the area to the council.

Ordinance 74-80 passed by a ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman Morrison moved ordinance 74-82 be introduced and read by the clerk by title only. Councilman Behen seconded the motion. The motion carried by unanimous voice vote of the council.

Ordinance 74-82 - Annexation N.E. corner N. Walnut St. and 17th Street

Grace Johnson, City clerk read 74-82 by title only.

Councilman Morrison moved 74-82 be adopted. Councilman Behen seconded the motion.

Mr. Register pointed out the area to the council.

Ordinance 74-82 passed by a ROLL CALL VOTE OF AYES 8, NAYS 0.

Councilman Morrison moved Resolution 74-51 be introduced and read by the clerk. Councilman Behen seconded the motion. The motion passed by a unanimous voice vote of the council.

RESOLUTIONS
74-51 - Budget Transfer

Grace Johnson, City clerk read 74-51 in its entirety.

Councilman Morrison moved 74-51 be adopted. Councilman Behen seconded the motion.

Councilman Towell; Why do this?

Councilpresident Ackerman; We got a fairly detailed memo from Chief Goss and we talked things over with Mr. Hickman two weeks ago. \$3,500 has been added for animal control for part-time help. There was no funding for this position and this is a request to fund what is obviously a necessary position at the shelter. The council discussed all of these items in great detail two weeks ago.

Resolution 74-51 passed by a ROLL
CALL VOTE OF AYES 8, NAYS 0.

Councilman Morrison moved resolution
74-52 be introduced and read by the
clerk. Councilman Behen seconded
the motion. The motion carried by
a unanimous voice vote of the
council.

Grace Johnson, City Clerk read
74-52 in its entirety.

Councilman Morrison moved 74-52
be adopted. Councilman Behen
seconded the motion.

Mr. Wilson spoke to this earlier
in the meeting.

Resolution 74-52 passed by a ROLL
CALL VOTE OF AYES 8, NAYS 0.

There being no further business
Council president Ackerman adjourned
the meeting at 11:46 P.M.

Resolution 74-52
Parks and Recreation money

ADJOURNMENT

James S. Ackerman
James S. Ackerman, Council President

ATTEST:

Pam Carper, Secretary