

In the Council Chambers of the Municipal Building, on Thursday, August 16, 1973, at 7:00 p.m., E.S.T., with Council President Charlotte Zietlow presiding.

Present: James Ackerman, Richard Behen, Hubert Davis, Wayne Fix, Sheryl Misell, Jack Morrison, Al Towell, Brian De St. Croix, Charlotte Zietlow.

Martha Sims, Controller; James Register, Corporate Counsel; Grace Johnson, City Clerk.

About 10 people including members of the press.

Councilman De St. Croix moved that the minutes of the meeting of August 2, 1973 be approved as distributed. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Behen moved that the minutes of August 7 be approved. Councilman Morrison seconded the motion.

Councilman De St. Croix asked that the motion be withdrawn because he said he thought the minutes have to be looked at and carefully scrutinized as to whether or not they are accurate.

Councilmen Behen and Morrison withdraw their motion. Councilman Behen: I thought that the direction that Councilman De St. Croix mentioned would perhaps have to be the direction that we would have to go, perhaps for closer scrutinization of all sides on the question.

NONE.

Council President Zietlow announced that since there would not be any Council meetings in November, there would be a special meeting of the Council on August 30, 1973, for the second readings of all items introduced for first reading at this council meeting.

Councilman De St. Croix moved that Ordinance No. 73-56 be introduced and read by the clerk by title only with posting as required by law. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance No. 73-56 by title only.

Councilman De St. Croix moved that Ordinance No. 73-57 be introduced and read by the clerk by title only with posting as required by law. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote. Grace E. Johnson, City Clerk, read Ordinance No. 73-57 by title only.

Councilman De St. Croix moved that Ordinance No. 73-58 be introduced and read by the clerk. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

REGULAR SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

ROLL CALL

CITY OFFICIALS PRESENT

OTHERS PRESENT

MINUTES

August 2, 1973

August 7 (not approved
at this time)

MESSAGE FROM THE MAYOR

MESSAGES FROM
COUNCILMEMBERS

Charlotte Zietlow
announcement of special
meeting on 8/30/73

INTRODUCTION OF GENERAL

73-56 - voluntary
annexation, 1200 South
Pace

73-57 - voluntary
annexation, 1409 West
Kirkwood

73-58 - creating a
personnel office

Grace E. Johnson, City Clerk, read Ordinance No. 73-58 in its entirety.

Councilman De St. Croix moved that Ordinance No 73-59 be introduced and read by the clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

73-59 - salary ordinance
personnel office

Grace E. Johnson, City Clerk, read Ordinance No. 73-59 in its entirety.

Councilman De St. Croix moved that Appropriations Ordinance No. 73-6 be introduced and read by the clerk. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

Appropriations Ordinance
73-6 - various monies

Grace E. Johnson, City Clerk, read Appropriations Ordinance No. 73-8 in its entirety.

Councilman De St. Croix moved that Ordinance No. 73-55 be advanced to second reading and read by the clerk by title only. Councilman Davis seconded the motion. The motion was carried by a unanimous voice vote.

SCHEDULED BUSINESS

Ordinance No. 73-55 -
bicycle licensing fee

Grace E. Johnson, City Clerk, read Ordinance No. 73-55 by title only.

Councilman De St. Croix moved that Ordinance No. 73-55 be adopted. Councilman Ackerman seconded the motion.

In response to a question from Council President Zietlow as to whether the 50¢ fee for bicycle licenses would cover the administrative costs of licensing, Mrs. Sims, Controller, said: we are very fortunate to have the 50¢, we have been getting 20¢ for each license every two years, so fifty cents is a raise. Yes, there are a large number of people buying decals. There are people buying them right now who will have to come back and buy them again in September, and I did get word that a little boy scout was in and had wanted to take applications to the school and have everybody at the school sign an application and get a bicycle license.

Councilman Behen: I would like to pose a question to Chief Chambers-- is this going to be an ordinance that is going to be easy to pursue as far as the enforcement is concerned? Your department will be the one to "trap" the violators.

Chief Chambers: It is very difficult to enforce bicycle ordinances. When we stop bicyclists they tell us we should spend our time catching criminals.

Council President Zietlow: Does it facilitate the retrieval of stolen bicycles, if they have had them registered?

Chief Chambers: Most certainly, it is very helpful in retrieving and returning to the owners bicycles that have been stolen, and in the long run I think there is a preventative measure for the people to have them registered. But people are very apprehensive about being stopped for enforcement of the ordinance.

Councilman De St. Croix: It seems to me that people are also very apprehensive about

bicyclists breaking traffic safety rules, as I understand they have to follow the same rules as motorists and go the right way on one way streets and stop at stop signs and whatnot.

Chief Chambers: This is very true, I think the community is in dire need of an educational program. We would like to encourage people to ride bicycles - not discourage them and I would hope that the bicycle license doesn't discourage this. And I would hope that our enforcement program would not discourage riders - this is not our aim to discourage riders. And this is one thing that bicycle riders will bring out when you are stopping them and trying to enforce the law - that they are trying to help in other areas of pollution and what have you. It doesn't take long to be out here in the city to find out that this is so.

Councilpresident Zietlow: It does make it more dangerous to drive a car when you have people just driving through stop signs on a bicycle and going the wrong way on a one way street.

Councilman Davis: I would like to point out that with this system it will be on the TV computer so that it will be easier to locate a stolen bike. There is a penalty in the municipal code for persons not having a bicycle license, and for all other violations of the city regulations - as opposed to violations of state regulations by bicyclists.

Councilman Towell: I would like to simply as a general question about bicycle riding in the city - my wife who is a bicycle rider was very pleased to learn that she shouldn't go down certain streets because they were one way the opposite way and she thought that was constructive and she appreciated it. On the other hand when she said this I thought about my own awareness of traffic regulations which was that people walking on the street when there is no sidewalk should go counter to the traffic so they'll be seen and so they'll see the traffic coming instead of approaching from behind. And it seems to me that bicycle riders are very much like pedestrians in this matter. Well, there is a disagreement.

Councilpresident Zietlow: I disagree.

Councilman Towell: I seem to remember that we all ran with an awareness of the fact that we have many bicycle riders in the city, especially people around the university and other people who think that bicycle riding is good for their health and also less traffic would be good for the city and as far as I know we've made an effort toward increasing the speedway down third street, widening the area for traffic on seventeenth which I am sure will go under construction soon. And getting a west side bypass and so on, and then although I thought our primary concern about sidewalks was certain ways for children going to school, contrary to the message that I heard for the budget that we would start in the center of the city and work out.

Councilman Behen: That was for curbs.

Councilman Towell: I thought it was for sidewalks. Well, anyway, I want to know when the first bike path is going to be built in Bloomington and when we can segregate bicycle traffic from the other traffic.

Councilman De St. Croix: With council's indulgence I would like, for one moment, to respond to Councilman Towell. First of all, regarding the difference of pedestrian traffic and bicycle traffic a normal person walks at somewhere around four miles an hour; a ten speed bicycle is quite capable of traveling at speeds close to 30 miles per hour; they also tend to weave in and out of traffic - bicyclists are moving vehicles - a pedestrian is less likely to come out of a blind spot suddenly into a car's path. Furthermore, I think we can look to a number of European cities that have successfully integrated vehicular motorized traffic and bicycle traffic and I think that we can do that and I think we should also look at bicycle paths but I think that we really have to be very strict about enforcing traffic regulations as far as bicycles before somebody gets killed. And it amounts to that when people run

stop signs, come tearing down out of blind hills on one way streets, cutting through across alleyways, etc., etc.

Councilman Towell: Actually I think that is total exaggeration.

Councilpresident Zietlow: No, I don't think it is.

Councilman De St. Croix: No, I don't think it is either. I've been cut off by more than one bicycle in the past few weeks.

Councilpresident Zietlow: I think the point is well taken, that we do need bicycle paths but I think also that the licensing of bicycles is one way to start establishing some regulation of bicycles as vehicular traffic.

Councilman Towell: Well, if that's what it is, but if all we are doing is taxing without any particular concern for the citizens who ride bicycles then I feel that this ordinance perhaps is ill-advised.

Councilman De St. Croix: Before this council is being labeled as being hard on bicycles I would like to point out that, as councilman Davis said earlier, and I am sure that I can be backed up by Chief Chambers, the number of bicycles stolen in Bloomington yearly is phenomenal and this will be one way of helping people to track down stolen property.

Councilman Towell: Every bicyclist I know has a huge chain which they lock the bikes up with.

Councilman De St. Croix: And they are cut frequently.

Councilman Towell: No, it is only unsuccessful protection at certain times of the year, when the gangs sweep through Bloomington and steal bicycles by the hundreds.

David Rogers: I remember when we enacted our first bicycle ordinance back in 1937 as I recall - I was riding bicycles at that time, and it was introduced for anti-theft and it had to have a fifty percent per year thing because in those days we didn't have decals of course and had to use funny little tiny license plates which we were suppose to hang onto the back of our seats. And this is really much cheaper and much better and, as I understand it, basically for the same reason, basically as an anti-theft measure - not as a revenue raiser or regulation thing, or anything of that sort.

Councilpresident Zietlow: Is that what the understanding of the committee is?

Councilman Davis: Yes, the ordinance itself was written to regulate bicycle riding and it was drawn up by bicycle riders.

Councilpresident Zietlow: The main point of this ordinance is simply to expand the jurisdiction - to divide the jurisdiction between the university and the city as people choose to have their licenses issued, right?

Councilman Davis: Well, the ordinance was carefully drawn up to be a uniform ordinance with IU and all this does is establish a uniform fee schedule for city and university - that is all this does.

Councilman Mizell: I was concerned as to the size of the fee. I am in complete agreement with the idea of having decals on bicycles so that if they are stolen we can facilitate their return. Councilman Davis said that the cost of the decal is 7.1 cents as opposed to a fee of 30 cents, as opposed to the fee of 20 cents every two years. It seems like we are going in the reverse direction.

Councilpresident Zietlow: But there is an administrative cost involved.

Mrs. Sims: We have people who come in who say they are ashamed to pay us just 20 cents, because of all the work there is involved. It does take time. And, so far as the fee is concerned we will not have any complaints.

Councilman Towell: I don't object to the amount, but do they really fulfill the purpose that I have heard, namely protect against theft, etc. I don't actually believe that because I think the time that bicycles are stolen is basically when people sweep through town at the end of semesters and take them away and they will scrape off decals and so on. I just don't believe that.

In response to a question from Council President Zietlow, Mrs. Sims, said that the person licensing a bicycle must fill out several copies of a form, giving the registration (serial) number of the bicycle - the police then have this information filed both by name and by number so they can find the bike and the owner.

Councilman Beben: I would like to ask Chief Chambers another question. I had never been familiar with this bicycle sweep that Councilman Towell has referred to and I would want to pose the question of how many bicycles are annually auctioned at the police auction, approximately?

Chief Chambers: I would say approximately fifty, sometimes sixty bicycles are auctioned off at each police auction, and I would like to say that we do try to return bicycles to owners. And, in reference to the theft rings that Councilman Towell was referring to, we have in the past had such rings operating in town but we haven't had a great amount of this being done in the present day. I think, on the average, we will have more bicycles picked up that are not claimed - that are ridden across town and abandoned - and if they aren't registered it definitely causes a problem. When people come in to claim a bicycle unless they can give a description without any numbers or any registration it is very difficult for us to turn a bicycle over by them choosing. We have actually had people come in and go in there and pick out a good one and come up and describe it to us. We do have - and I see it everyday, traffic violations by bicycleriders. We are trying to get an educational program going. I have personally made films to be shown on channel thirty with reference to this, and describing the penalties and the rules and regulations - you can't drive on campus without a bicycle passing you on the right and driving through stop signs. And they are not putting headlights on or taillight reflectors or this type of thing. I do think that an educational program is needed.

Councilman De St. Croix: Would it be possible, Chief Chambers, for your department to put together a one page mimeograph outline of traffic regulations applying to bicyclists so that Mrs. Sims could distribute them to people applying for licenses?

Councilman Davis: Our committee is working on that and will put that together from the ordinance.

Councilman De St. Croix: Fine. And that will be distributed with the licenses?

Councilman Davis: Yes.

Councilman Mizell: I would simply like to underline what Chief Chambers has said - that my experience has been most recently that there are a great number of bicycles that turn up abandoned in the downtown area and a great number that turn up abandoned in the campus area, at the same time a great number are missing in the campus and the downtown area. It turns out that somebody needs to get someplace quick and they don't "steal" a bicycle, they simply appropriate it for the ride and leave it when they get to where they are going and I think the decal would be the good way of getting it to the proper owner and I also agree with the chief that there have been a lot of violations by bicycle riders and my belief is that if we gave bicycle riders their own place to ride, if we provided bicycle paths on the busier streets in town and they were then able to separate themselves from traffic I think we would encourage them to obey the laws by showing them that we are interested in bicycles in this town. I would like to encourage more people to ride bicycles. I think the way the city can do it is to provide bicycle paths throughout.

Councilman Davis: The committee has worked on proposing bicycle paths but not recently.

Councilman Towell: I was going to say I think this thing has just died down since the election. It was one of those popular issues but it is gone. I haven't heard about it in connection with any kind of proposal recently.

Councilman Mizell: Well, I don't think the road has diminished any.

Ron Wild addressed the council: I would like to speak about the separation of bicycles - I used to be a bicycle rider until I found it dangerous - I used to be a bicyclist because I offended some motorist and I didn't have a bicycle any more. I can think of myself as a bicycle rider looking at a motorist and you sort of put yourself in a class - and then as a motorist looking at bicycle riders. And, looking at it from both ends, I find cars violating the laws against the bicycle rider much more often than the bicycle rider violating the law against cars. The point I want to make is that often the car driver will feel he is a car and he can do what he wants and the bicycle rider will feel he is a bicycle and he can do what he wants. I think that if you are going to start an educational program you are going to have to look at both ends of the street.

Councilpresident Zietlow: It seems to me that separating the traffic ultimately will be the answer because the bicycles will then be aware of being bicycles and the cars will be aware of being cars. I know as a bicycle rider - for 6 or 8 years I didn't have a car, I just had a bicycle - and there was a tendency which I know I shared with 15,000 other bicycle riders at the university of Michigan that you would get away with as much as you could. You would be a pedestrian sometimes and you would be a car at other times, but you would always be a bicycle really. You would just take whichever one was most convenient.

Councilman Towell: I just want to say that I really feel we have done the bicycle riders in the city an injustice in many ways. Not only do cars often violate the rights of bicyclists but I think the rights should be different between cars and bicycles. I do think that there was quite a bit said about bicycle paths in the last election. It may be one of the few things that we have not tried to concern ourselves with - I think in general our record has been good but here we are about to license and register and all that sort of thing and I think that we owe bicycles something else as well.

Councilman De St. Croix: I would just like to point out that the law reads that bicycle riders are subject to the same traffic regulations that motorized traffic vehicles and until such time as that law is either amended or changed that bicycle riders are subject to those provisions of the law whether or not we think they are being fairly treated.

Councilman Ackerman moved the previous question. Councilman Fix seconded the motion. The motion to close debate was carried by a roll call vote of ayes 6, Nays 3 (Nay: Towell, Mizell, De St. Croix).

Councilman Towell explained his vote: I think that certain members of the council are very anxious to get through business and not look at the situation. I have not been discussing the existing law, I have been discussing the situation of bicycle riders which I think is pertinent to this motion. I vote 'no'.

Councilpresident Zietlow explained her vote: I feel that we have an ordinance before us which relates to the licensing of bicycles and I think that we have a place for discussing the general state of bicycle riders which I think is perfectly proper but I don't think it is necessarily relevant at this time.

Councilman Morrison explained his vote: I didn't campaign on bicycles, I campaigned on food.

The Roll was called on the motion to accept Ordinance No. 73-55. ORDINANCE NO. 73-55 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman Towell explained his vote: In general I would be in favor of the ordinance with consideration of other things, I'll vote "yes".

Councilman Mizell explained his vote: I would like to say that I don't think this is a matter for laughter, I think it is an important consideration. And that this administration and this council should be on record as trying to encourage people to use bicycles in the community and get as many of the cars off the streets as possible and I think one way to do that is make it easier for people to use bicycles in this town and I would like to see this council go on record as favoring the beginning of bicycle paths in this community. As far as the ordinance is concerned I think it is an excellent ordinance to protect the people who already own bicycles and hopefully those people who will be encouraged to buy bicycles and use them in the future, I vote yes.

Councilman Fix explained his vote: I have two bicycles really - I have a country bicycle and a city bicycle and I don't see that this registration ordinance is any - has any deterring effect on riding bicycles. A matter of a 50 cent registration fee or any registration fee, I don't see as a deterrent, even though I may never get around to registering my two bicycles and I may violate this ordinance just because I neglect to do it. The registration of bicycles I think is a good thing for bicycle riders and I vote yes.

Councilman De St. Croix moved that Ordinance No. 73-53 be advanced to second reading and read by the clerk by title only. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

ORDINANCES - SECOND
READING

73-53 - annexation of property on whitehall pike

Grace E. Johnson, City Clerk, read Ordinance No. 73-53 by title only.

Councilman De St. Croix moved that Ordinance No. 73-53 be adopted. Councilman Ackerman seconded the motion.

Mr. Register, Corporate counsel, addressed the council: The legal department would like to recommend that this ordinance be amended by striking the first rhetorical paragraph because that paragraph is superfluous and does not add any accuracy to the total description.

Councilman De St. Croix moved that Ordinance no. 73-53 be amended by striking the first rhetorical paragraph after the first "to wit" be deleted. Councilman Behen seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman De St. Croix moved that Ordinance No. 73-53 as amended be adopted. Councilman Ackerman seconded the motion.

Mr. Register: this ordinance is before the council as a result of cooperation between the board of public works and the legal department. The Board of Public Works secured from petitioner an agreement not to oppose annexation at a time when the utilities services were wanted and secured. That was followed by an express petition that this land be annexed. I do want to make special mention of that fact because I consider it an excellent bit of cooperation between the board of public works and the legal department. The situation here was that somebody wanted utilities service and the board of public works required this waiver before the services were made available. It is on the south side of Whitehall pike just west of where the Illinois central railroad tracks cross whitehall pike.

Council President Zietlow: This is a situation then, in which the Board of Public Works agreed to extend utilities services only to property within the city.

Mr. Register: That is correct. And only if annexation was not exempted. I think it is adjacent to the bonded service station there.

ORDINANCE NO. 73-53 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman De St. Croix moved that Ordinance No. 73-54 be advanced to second reading and read by the clerk by title only. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

73-54 - annexation,
voluntary
Park Square

Grace E. Johnson, City Clerk, read Ordinance No. 73-54 by title only:

Councilman De St. Croix moved that Ordinance No. 73-54 be adopted. Councilman Bekerman seconded the motion.

Mr. Register: This is the voluntary annexation of Park Square Cooperative.

Councilman Mizell said that he understood that it was a condominium where the occupants of the apartments own the apartments. He asked whether the petition had to then come from the tenants/owners or from the cooperative.

Councilman De St. Croix said that as he understood it is the owner of the property - the cooperative, not the owners of the buildings - the tenant/owners - who would file for annexation as the city annexes property not buildings.

David Rogers: There is no problem. Park Square is our only cooperative development in this part of Indiana. And you don't have any problems of diversified ownership - you simply become a member of the cooperative with certain rights in the cooperative.

Harvard Clark, assistant city engineer: the development has been developed in five sections - this is sections five and six. The first three and the park area which they donated to the city has already been annexed and this completes the annexation of the entire project.

David Rogers: The members of the cooperative have rights in their apartment which they may sell to future members of the cooperative but it is not quite the same theory as condominium in which they actually become the owners of their little piece of space. They are tenants from the cooperative but they have an opportunity to share in profits from selling their membership in the same way that prices go up and they also have the same advantages of pass-through of portion of their payments on taxes for purposes of income tax breaks that is available in a condominium but it is a different theory completely. Their membership may increase in value, similar to equity. They will never reach a point of having paid in enough to have ownership of property and actually, in federal programs, there are limitations on profitability.

ORDINANCE NO. 73-54 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman De St. Croix moved that Appropriations Ordinance No. 73-6 be advanced to second reading and read by the clerk by title only. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Appropriations
Ordinance No. 73-6

Grace E. Johnson, City Clerk, read Appropriations Ordinance No. 73-6 by title only.

Councilman De St. Croix moved that Appropriations Ordinance No. 73-6 be adopted. Councilman Ackerman seconded the motion.

Councilpresident Zietlow noted that the ordinance would appropriate \$5000 for the human rights commission in services personal and \$9000 in local road and street funds for other contractual services.

Mrs. Sims: The \$5000 for human rights commission attorney has been given to us by the redevelopment federal funds and it has to be appropriated and it was understood at last budget time last year that the city would pay \$5000 and the redevelopment department would pay \$5000. So we are just now appropriating that five thousand dollars. And then the local road and street fund - that is for the letting of seventeenth street contract and they either estimated too low the first time or the contractor bid too high. Anyway it is going to cost more so we will have to come up with our share - nine thousand from TOPICS and nine thousand from local road and street funds.

Councilman Mizell: Could you explain that in a little bit more detail? The contract or the bid was higher than the state engineer's estimate?

Mrs. Sims: Somebody's estimate - I was told it was the state engineer. But they could not accept the contract. They had rejected that and they are rebidding it.

Councilman Mizell: Well if they are rebidding it, are they still expecting a bid which would be consistent to their first estimate?

Mrs. Sims: No.

Councilman Mizell: They have revised...

Mrs. Sims: They have revised their estimate.

Councilman Mizell: So the contractor will make eighteen thousand dollars more than the state engineer originally estimated it would cost.

Councilman Behen: I shouldn't think it should be phrased like that. I would assume that roadbuilders are confronted with cost of living increases and maybe they just couldn't come up with the bid and the city came to the realization that it had to be advertised higher and I wouldn't say they are making more money - that much, x number of dollars more. I shouldn't imagine that it would be that way.

Councilman Mizell: Oh, I will admit to a poor choice of words, perhaps it would be phrased better if I said that the engineer perhaps was wrong in his estimate, but I question why the estimate was at a lower level, eighteen thousand dollars lower.

Councilman Towell: There is a margin that the state engineers allow without rebidding.

Councilman Mizell: And this was above the five percent.

Councilman Towell: That is what I assume. And then you may say that the gross revenues went up perhaps eighteen thousand dollars or something like that.

APPROPRIATIONS ORDINANCE NO. 73-6 WAS
ADOPTED BY A ROLL CALL VOTE OF AYES 9,
NAYS 0.

NONE.

RESOLUTIONS

NONE.

PETITIONS AND
COMMUNICATIONS

NONE.

REPORTS FROM OFFICIAL
BOARDS AND COMMISSIONS

NONE.

REPORTS FROM STANDING
COMMITTEES

NONE.

REPORTS FROM SPECIAL
COMMITTEES

NONE.

REPORTS FROM CITY
OFFICIALS AND
DEPARTMENT HEADS

NONE.

OTHER NEW BUSINESS

Councilman Behen: I would like to welcome Councilman Ackerman's parents who are here from out of town.

UNFINISHED AND
MISCELLANEOUS
BUSINESS

NONE.

EXAMINATION OF CLAIMS

Councilman De St. Croix moved that the meeting be adjourned. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

ADJOURNMENT

THE MEETING WAS ADJOURNED AT 8:00 P.M.; E.S.T

Charlotte T. Zietlow
Charlotte T. Zietlow, Council President

ATTEST:

Amy G. Allen
Amy G. Allen, Secretary