

In the Council Chambers of the Municipal Building, on Thursday, November 1, 1973, at the hour of 7:00 p.m., with Council President Charlotte T. Zietlow presiding.

REGULAR SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

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

ROLL CALL

Absent: None.

James Register, Corporate Counsel; Martha Sims, Controller; Grace Johnson, City Clerk; Carl Chambers, Police Chief; Richard Gose, Fire Chief; Brance Stogsdill, Accountant.

CITY OFFICIALS PRESENT

About 15 people including members of the press.

OTHERS PRESENT

Councilman Morrison moved that the minutes of the meeting of October 18, 1973, be approved as distributed. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

MINUTES
10/18/73

NONE.

MESSAGE FROM THE MAYOR

Councilman Ackerman said: I would like to explain the difference between what is happening now with the animal shelter and what happened during the previous administration. In the earlier administration the existing board was dissolved by the administration and a new board composed of members not sympathetic towards the humane associations philosophies was put in. This administration does not intend to do this. The fact is that the membership of the animal control commission is made up of members of the HA, recommended by the humane association. So eventhough the HA board does not have direct control of the shelter the basic philosophies that they want to see implemented will continue to prevail and I hope that it will be done with a minimum of mismanagement.

MESSAGES FROM
COUNCILMEMBERS

James Ackerman

Councilman Morrison: I recall two headlines past and present - the city takes over the humane shelter. That should be the answer to Jim.

JACK MORRISON

Councilman Ackerman: It is not the same thing Councilman Morrison.

Councilman De St. Croix: I think I have aired my views on this subject in the past. In response to an editorial in the Courier Tribune this evening which I thought was not only myopic but in poor taste I would like to state that the record I believe shows that this administration and this Council's representative to the humane - the animal/shelter have acted in good faith and have tried to deal with the problem. I hope that in the future the city will be able to deal in a pragmatic manner with this problem and not deal with the personality difficulties - the psychological problems and the attitudinal nuances of the people who put their own personal needs above that of dealing with a particular problem in this community.

Brian De St. Croix

Councilpresident Zietlow: Well there is no doubt that we have a dog problem, and animal problem and it seems to me that to many citizens in the city it is one of the most urgent problems that they face day by day. I faced it Sunday

Charlotte Zietlow

morning as a matter of fact with my constituents so I think that we have to try to figure out the best way to handle it - we just have to keep on trying new ways. We haven't found one yet apparently.

Councilman Davis: I would have to say the editorial in both papers made me more than usually angry tonight. One in the H-T did not consider that we had ever taken an educated look at the mass transit problem. And Ric Manning reminded me that we had not done a press release on the technical study and he is correct. But I did give him that to give to Mr. Schrader - that is an educated look at the mass transit problem. In the Courier-Tribune the inaccuracy and confusion between the budget of utilities service board and the ~~board~~ clarity with respect to the sewer rate increase on which we have had a public hearing which was not even mentioned made me quite angry.

Hubert
Davis

Councilman Towell: I spent from 7:30 to about 11:30 one night at that hearing and there were some interesting things said - some important and valuable things and I was really upset by the lack of coverage. I think that the citizens of Bloomington might have felt that they had some warning of things to come if they had had that hearing reported. Particularly I think that there needs to be a critical and full look at this Monroe regional board and that hearing would have been valuable for that. It was the first time the board has come out in public; the first time that they presented what plans they had and I think anyone would have seen that it is at the very beginning that a great deal more needs to be done than is being done so I think a lack of coverage on that which is a fundamental and very important thing for the community was really irresponsible - the only word I can say.

Councilman Fix: Carrying on with Councilman Towell's remarks there, I understand now that the engineering firm of RSH has decided that there will not be any more environmental hearings for the sewer projects. Everyone who was at the so-called environmental assessment hearing that was held last week clearly came away with a great concern about the lack of concern for the environment showed by the people responding to questions and I would like for the Council, if proper, to request that the utilities service board do hold another full environmental hearing.

Wayne Fix

Councilman Mizell: I so move.
Councilman Ackerman: Second.

Council president Zietlow restated the motion: It has been moved and seconded as a statement of policy from the Council that we request the Utilities Service Board to hold an additional environmental impact hearing in relationship to whole sewerage expansion program in general.

Councilman Towell: I think it would be futile to have another one with the same rules as the last one. What you need is to have the environmental assessment statement available so that people can read it and see what kind of thinking is being done. What they did was to define the hearing to be a hearing where the public would bring up matters of concern so that they would know what questions they had to address themselves to but they did not answer any concerns of citizens at the hearing. It was a terrifically one-way proposition. So unless we have different rules and we have the environmental assessment available I don't see any point to another hearing.

Councilman Fix: Could we add that on to the motion that we change the rules and have this data available before the hearing?

Councilman Mizell: I would consider it a very friendly amendment.

Councilman Towell: Yes, that it be a hearing on the environmental assessment statement. And that it be made available a sufficient time before the hearing so that people could look at it and formulate their comments.

Councilpresident Zietlow restated the motion: a policy statement by the Council requesting the utilities service board to hold an additional environmental hearing on the findings by the engineers in relationship to the sewage expansion project which we would request to be available well in advance for people to respond to at the time of the hearing.

Councilman Mizell: Could I add one more comment - I believe it would be important to the community to have our own environmental commission have a copy of this impact statement ahead of time and be prepared to respond to it at that meeting also.

Councilman Fix: It is inconceivable to me that this was done without the environmental commission having looked at the report.

CouncilPresident Zietlow: Yes, it was inconceivable to me too because I went there on the day of the hearing and asked them what they intended to do and found out that apparently they were planning to be there.

Councilman Ackerman agreed to all additions to the motion.

THE MOTION TO REQUEST ANOTHER ENVIRONMENTAL HEARING WAS APPROVED BY A UNANIMOUS VOICE VOTE.

ENVIRONMENTAL
HEARING VOTE

Councilpresident Zietlow: We will issue a statement to this effect to the Utilities Service Board in the morning.

Councilman Fix: I have heard some concern about the selection of a new utilities director - how this is going to be done and whether it is going to be a cross-section of the citizenry like it was when we obtained the services of what I think was a truly professional person in George Walkenshaw - A person that I hope we are able to match . Is this the time to discuss the selection.

Wayne Fix

CouncilPresident Zietlow: Is the selection of a new director outlined in the ordinance?

Councilman Towell: It is in the hands of the board.

Councilpresident Zietlow: Yes, it is outlined in the ordinance which we passed.

Councilman Fix: Should we discuss whether we should encourage them to put together a search committee?

Councilman Towell: I think that they probably will. I have talked to at least two people.

Councilman Mizell: I would hope that it would be a broadly based search committee also.

Councilman De St. Croix: I would like to offer a recommendation if I could that the council appoint two of its members to function as liaison with the utilities service board to represent the council's interest in

the formulation of that board.

Council President Zietlow: I must say I have talked with Mr. Fee this morning and he has already said that they would hope to have at least two councilmen working with them, even on the procedures for finding a new director.

Council President Zietlow: There was a meeting yesterday noon for working on functions and duties of a women's task force or Commission, as the case may be. We will have a more definite report on that by next week. We have started to work on it - we have been in touch with the economic development commission which is conducting its own survey which it feels it should keep to itself at this time. We hope to cooperate with them. Charlotte Zietlow

Councilman Mizell: One point, perhaps apropos the discussion of a director of utilities; there has been concern in the community and on the council for devising a mechanism by which we could attract qualified people and once the qualified people were in the employ of the city provide some inducements for these people to remain in the employ of the city. After all if they get trained and acquainted with the positions and then leave it is very expensive to the city and there are interested members in the community who with myself have been involved in trying to devise some type of system which, for lack of a better term might be described as a civil service type of formula for the city of Bloomington and we are working on this currently and we will have a preliminary report ready for the council in a short time. Sherwin Mizell

Council President Zietlow: Will the transportation committee be coming up shortly with a recommendation as a response to the technical study. which of the alternatives to follow..

Councilman Davis: I think so. We will probably want to have another meeting similar to the last one where we've got a little more information about requirements for garage, capital and things like that. We should come up with a specific recommendation for capital grant application.

Council President Zietlow: Good.

Councilman De St. Croix moved that Ordinance No. 73-74 be introduced and read by the clerk in its entirety. Councilman Morrison seconded the motion.

The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read Ordinance No. 73-74 in its entirety.

At 7:30 the Council considered the scheduled business item.

Tim Hodenfield: We have achieved our first goal in that we are now turning a profit. Mr. Hodenfield showed the graphs of the program. Basically the program costs us about 120 to 125 dollars a week - the graph shows how our revenue has shot up. When we began the recycling program in April we were getting eight dollars a ton and we are now getting sixteen dollars a ton. The tonnage hasn't gone up appreciably - it has gone up some but basically up until about mid October we were averaging about 8.5, 8.6 tons a week - we are now over the nine ton average mark recently.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

73-74 - amending section 17.18.160 of the city code

SCHEDULED BUSINESS

Tim Hodenfield, Aide to the Board of Public Works - Recycling Report

We have collected now nearly - if you include this week we have collected over three hundred tons of papers and magazines and in terms of trees saved, that is over 5,000 trees - 5,005 trees to be exact. Okay, the publicity program started in August - August 13 and since then we have collected 100 tons in an eleven week period. and we have estimated that the tonnage that we have collected in magazines and newspapers has saved about sixty trips to the landfill - each trip to the landfill is about five tons in the hopper. And each trip to the landfill a conservative estimate is about ten dollars a trip - it is about an hour trip out and back and so these costs have not been taken into account but the conservative estimate is that by the recycling program we have saved approximately six hundred dollars in operating costs. And we figured out that it would cost six tenths of one cent to pick up one pound of garbage in Bloomington which comes out to about thirteen dollars a ton. And we have picked up since the inception of the city operated trash program over ten million pounds - this graph gives you the weekly garbage tonnage from January through - in May we went to double pick up until Labor Day weekend and that is when the tonnage really took a drop - when we cut back to just one pick up.

Councilman DeSt. Croix : What happens with the doubling of garbage then - during that period of time we are clearly picking up double that garbage and what happens to that garbage when we were only making one pick up?

Councilman Mizell: Is that grass clippings and other rubbish or is that garbage?

Hodenfield: No this is what is picked up by our trucks. the highwater mark is about 165 tons and the low mark was either in April when it was about 97 tons.

Councilman De St. Croix: The reason I asked that question is does that mean we are having a lot of open burning going on in the city? when we are not having twice weekly pickups or do people just generate more garbage in the summer?

Hodenfield: that is a part of it - people generate more garbage in the summer. Of the tonnage that we have collected the papers is only about 6 per cent of the total tonnage we have picked up. The encouraging thing about the paper pick up, other than that the price of paper has doubled - is that about Labor Day we took a real dip from about ten tons to about six tons and partly because of the Labor Day weekend and partly because the paper shortage hit Bloomington and Bloomington newspapers have reduced their volumes about 16 to 22 percent. So that means that we got about - so when we went back up that means that more people were - it was taking more people to recycle to get the same kind of tonnage figures in October than we got back in June. Flyers have gone out with the garbage cans and there are a couple of billboards in town and those leaves which turn green everytime we pick up ten tons of paper are almost completely green.

Councilman De St. Croix: The nine tons a week average, what portion of the total amount of newsprint that comes from the community does that represent?

Hodenfield: That is a good question. It is debatable - some of the testimony from the newspaper is in conflict. The original estimate is that we get about 150 tons of newsprint and magazines into Bloomington each week. When we kicked off the publicity program I went back to the newspaper people - I consider them the experts in this field and they gave a more conservative sixty to eighty tons a week. Now if that is true - you add Bloomington's nine to ten tons a week and Stonebelt's voluntary twenty tons a week then Bloomington should receive a strong pat on the back for the recycling effort - that is about fifty tons of the paper that is going back.

Councilman Ackerman: Is IU's contribution to recycling counted in those figures?

Mr. Hodenfield: Yes, at stonebelt. Last year was just the dormitorzes and this year they have added some offices. And city hall and IU both divide their garbage as far as waste/paper products - and that all goes to stonebelt and is recycled by stonebelt - the city envelopes and xerox paper.

Councilpresident Zietlow: Are you picking up apartments? Are we recycling from apartments?

Mr. Hodenfield: No, not yet. the environmental commission is anxious for us to begin that; we are anxious to begin that in that it is a good one centralized point to pick up a lot of papers but we are checking into the legal ramifications of that and also the state supreme court decision where city's may have to provide garbage collection for apartments, businesses and residences alike regardless. So that is part of the problem why we haven't started that. But we hope to do that and we hope to do a pilot project. Let me give you some more statistics - since the publicity program begin in August, our total eleven week cost of the paper program has been \$1,334 - an average cost of about \$121 per week. And our total revenue has been \$1,178.90, which means an average weekly revenue of \$107 which means a subsidy of \$14.18 cents that the city is supporting the paper recycling program. When I reported to the board of works at their meeting of October 9 the weekly subsidy at that point was \$32. In the last three weeks of this month we have been able to half our subsidy.

Councilman Ackerman: But as you pointed out before that does not include the cost of the drivers driving out to the dump area plus the room in the dump.

Mr. Hodenfield: That is right, all we are talking about is actual cost. So, in a sense we are into the black. The program went at an eight dollar a ton price until august 27 when it shot up to ten dollars and then a month later twelve dollars and then October 8 - 15 dollars and now it is sixteen dollars a ton. Projections by the local newspaper people and by the local industries on paper says that the current shortage that we are undergoing is probably going to last at least a year and that this fall our paper - the paper that we recycle became a valueable commodity by a number of people. So we are in a very nice position.

Councilman Davis: Do you anticipate what the winter will be in terms of tonnage?

Hodenfield: I don't know; this is the first really bad week that we have had - Monday is our best day - and usually Monday is an indicator of how we are going to do that week. In weeks where we get four tons on Monday we usually do quite well. This week our rainy Monday we only picked up a little over three tons. So I think we may get this week to eight. We can sell the paper wet though. We anticipate another flying going out to the garbage cans and residents in early november - once the trees is full we want to thank the bloomington residents for their effort.

Councilman Davis: My concern partially is people like myself that use the newspapers to start fires in the fire place in the winter; but not the summer. I don't know how big that is.

Hodenfield: I don't know, we'll find that out. To backtrack a second - in July of this year a week of the courier-tribune weighed 4.5 pounds and after the shortage a week of the courier-tribune weighed about a pound less. Even with that reduction our tonnage went up.

Councilpresident Zietlow: There does seem to be an indication that we are going to have a long term paper shortage. With all my experience in business now I find that we get a lot of paper in a store and that ordinarily this paper and a lot of cardboard which I think can easily be recycled is just to be thrown away and usually is thrown away and we started recycling now and I would think that would be something that we could encourage

in the community. Otherwise a lot of paper just simply goes to the landfill. And stonebelt will come and pick this up, as long as there is no excelsior and plastic in it. And I think that is one area where a lot of weight could be picked up.

Councilman Fix: Carrying this recycling a little bit further, in light of the tremendous energy shortage we hear about and in light of our 37 million dollar sewage expansion program whatever happened to the theory we had going about the production of methane?

Hodenfield: I don't know. Methane is being produced at the sewage treatment plant and is used to help operate the equipment that is at our present plants - north and south.

Councilman Fix: It would seem that with at least one big user of energy in the city that this might be a very logical point to pursue.

Councilpresident Zietlow: Why was the second pickup of trash stopped unusually early this year?

Hodenfield: one of our trucks broke down. In our winter months that fourth truck is a back up; in the summer time it is used for the second pick up and it went down - it was down for about two months because of parts and a delay in the part getting to Bloomington. We hope to purchase a fifth truck in a few months.

Councilpresident Zietlow: Apparently there were residents who were depending on this to pick up their garden trimmings in the fall as they got ready for winter. Has there been additional pick up to take care of this?

Hodenfield: Well, the city garbage and trash collection is not to be used for collection of leaves because we don't want the leaves going into the landfill necessarily but being - to be picked up by the street department so that they can be used as compost and although we did pick up leaves and tree trimmings basically we want that done by the street department.

Councilpresident Zietlow: But as a matter of course you are picking up anything with the size limits?

Hodenfield: That is right - anything that can be handled by one man.

Councilpresident Zietlow: So if people choose to put that out with their trash they can expect to have it picked up?

Hodenfield: No, if we started picking up the leaves in this community with our trash collection, we are averaging twenty to twenty five trips out to the landfill now just picking up normal garbage and trash if we added leaves to it, it would be much more.

Councilpresident Zietlow: But if people put it all together with their garbage..

Hodenfield: Well, if it is in the garbage can we are not going to separate it.

Councilpresident Zietlow: No, not in the garbage cans, next to the garbage cans, and the rules of the ordinance specify...

Hodenfield: I don't think that the men have been picking up leaves, no. Tree clippings, tied we will pick up.

In response to the question from the floor, Mr. Hodenfield said that the billboards were donated by Hoosier outdoor advertising and the board was responsible for accepting it.

The person in the audience said that she thought billboards pollute the city.

In response to another question from the audience, Mr. Hodenfield said that the city trash collection only serves single family homes and though we serve some apartments most apartments have the dimster dumpster type trash container and not the single container. Apartment and county residents are urged to take their papers to stonebelt.

Someone in the audience who lives in an apartment asked if he could bundle his papers and put them on the curb by a residence. This question was not answered.

The council returned to introduction of ordinances.

introduction of
ordinances - continued

Councilman Mizell moved that Ordinance No. 73-75 be introduced and read by the clerk. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

73-75 - utilities salaries

Grace E. Johnson, City Clerk, read Ordinance No. 73-75 in its entirety.

Councilman De St. Croix moved that Appropriations Ordinance No. 73-12 be introduced and read by the clerk. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Appropriations
Ordinance 73-12 - kare
farm project

Grace E. Johnson, City Clerk, read Appropriations Ordinance No. 73-12 in its entirety.

Councilman De St. Croix moved that Appropriations Ordinance No. 73-13 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by unanimous voice vote.

Appropriations
Ordinance 73-13 - 1974
utilities budget

Grace E. Johnson, City clerk, read Appropriations Ordinance No. 73-13 in its entirety.

Councilman De St. Croix moved that Ordinance No. 73-68 be advanced to second reading and read by the clerk by title only. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

ORDINANCES - SECOND
READING

73-68 - amending Title
18, fire prevention, of
the city code

Grace E. Johnson, City Clerk, read Ordinance 73-68 by title only.

Councilman De St. Croix moved that Ordinance No. 73-68 be adopted. Councilman Morrison seconded the motion.

Councilpresident Zietlow: Mr. Cockerille you worked this out, do you want to explain?

Phil Cockerille: There was a memo including a letter from the book publishing company that I hope you got and read. That explains what happened. somewhere along the line when the city code was published in 1970 simply substituted this section which is now in the proposed ordinance. It was not voted on in 1970 so it should be voted on now. The fire prevention code simply says that the fire chief or his agent could go in at any time and although we don't mean to say that the fire chief would just go in at any time this section simply states a constitutional procedure which cannot be abused.

Councilman Towell: Those people did a lot of legislating - we found that the penalty clauses had been left out of the city code and there was no way that anyone could get a sentence or a fine so we had to correct that one. In case people don't understand what they do is they give a code and then somebody puts in an ordinance that just what is in the code is the municipal - all the municipal laws of bloomington, and if the codification people have made a mistake it can be extreme.

ORDINANCE NO. 73-68 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 8, NAYS 0, ABSTENTIONS 1 (Councilman Morrison abstained because he had not been present at first reading.)

Councilman De St. Croix moved that Ordinance No. 73-69 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.

73-69 - repealing section 7.16.060, noisy dogs, of the city code

Grace E. Johnson, City Clerk, read Ordinance No. 73-69 by title only.

Councilman De St. Croix moved that Ordinance No. 73-69 be adopted. Councilman Morrison seconded the motion.

Councilpresident Zietlow read section 7.16.060 of the city code; and the section of the noise ordinance which would take over was read by Phil Cockerille.

Councilman Towell: Is there a real difference between the two in that the person living at the address in the noise ordinance could be convicted and noisy dogs not be destroyed?

Phil Cockerille: Yes, there is a real difference in that respect. I guess one of the questions is does the city of bloomington want to be involved in the business of impounding and destroying dogs because they are noisy.

Councilman De St. Croix: Having recently had to deal with a problem where a neighbor of mine had erected a dog run with three coon hounds displayed their talents repeatedly and also having voted against the noise ordinance because of a question of enforceability -if

I remember correctly, the question about intermittent noises lasting for fifteen minutes would have to be repeated for fifteen minutes while an officer was waiting to hear that noise because in order for him to make an arrest it would require his observation of violation which means that the dog would have to not only wake you up with fifteen minutes worth of noise but also continue for fifteen minutes worth of noise for the officer after he got there which roughly would mean your sleep would be interrupted for an hour before we could determine whether or not a violation had occurred. I think that repeal of this section may be inappropriate.

Cockerille: Excuse me, that same objection - that is that officer has to be there under the noise officer and hear the noise is true of the noisy dog section because it is a rule of law that if this is a misdemeanor against the owner of the dog it has to be observed by the officer.

Councilman De St. Croix: But he doesn't have to hang around for fifteen minutes listening to it howl.

Cockerille: That is true it would be less time involved but you would still have to call the officer and have him hear the noise.

Councilman De St. Croix: I think that because of the question of enforceability of that particular section of the noise ordinance that in terms of dealing with the problem of noisy dogs and the section of the noise ordinance as we just pointed out does not allow for impoundment of the animals it may be more appropriate to keep this particular section on the books until we either deal with the questions that have been brought up about the enforceability of the noise ordinance.

Councilman Ackerman: In the animal control commission we have referred to it as habitual howling.

Councilman Towell: Is there a severability clause in the noise ordinance?

Cockerille: Yes.

Councilman Towell: so that means that even if we found some of the parts of it to be unenforceable, unconstitutional or anything, this clause would stand and they both essentially have the same problems. It seems to me that whether you have the noisy dog ordinance or the noise ordinance section you would have the same enforcement problems, is that correct? I mean the officer has to be there long enough to see that it is a real nuisance in one case, in one case and in the other case he has to be there fifteen minutes - so I really don't see an essential difference and if there are problems of enforceability I think that they are really aimed at the rest of the noise ordinance and not this particular section.

Mr. Register: Well I think you have two different sets of facts and I think that one ordinance does provide for impoundment; I think they could both stand - I don't really see the necessity of repealing this particular section. I think you have two different situations and different methods of enforcement in each case.

Council president Zietlow: I think it is whether you are concerned about the noisiness of the dog or the dog's noisiness.

Mr. Register: It would be my idea that this section ought not to be repealed.

Councilman De St. Croix: I am not sure that Councilman Towell's description of my argument as being inappropriate is the argument involved but I think the impoundment question is a critical one and by not repealing this section we allow for an opportunity to remove the cause of the problem. I would like to direct a question to Chief Chambers - Chief as an officer of the law directly or indirectly responsible for dealing with problems such as this, procedurally which of the two ordinances would be easier for an officer to operate under?

Chief Chambers: I believe that the existing noisy dogs section is easier to enforce than to go back to the new noise ordinance that we have. (not close to the microphone, hard to hear.)

Councilpresident Zietlow: The impoundment can only be done on conviction of the owner for having a dog which barks whines or howls.

Chief Chambers: (not clear)

Councilpresident Zietlow: Is this ordinance actually used frequently or enforced or can you tell us anything about the frequency of its enforcement?

Chief Chambers: It is enforced on a complaint basis. we contact the owners of the animals and request that they do something with the animals; if this isn't done after the first contact (rest not clear).

Councilpresident Zietlow: Then, Mr. REgester, both these ordinances could be enforced simultaneously?

Mr. Regester: I don't think there is any conflict.

ORDINANCE NO. 73-69 WAS DEFEATED BY A ROLL CALL VOTE OF AYES 0, NAYS 8, ABSTENTION 1 (Abstention: Morrison)

Councilman De St. Croix moved that Ordinance No. 73-70 be advanced to second reading and read by the clerk by title only. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

73-70 - repealing section 14.36.020, of the city code.

Grace E. Johnson, City Clerk, read Ordinance No. 73-70 by title only.

Councilman De St. Croix moved that Ordinance No. 73-70 be adopted. Councilman Morrison seconded the motion.

Councilman De St. Croix: I think it is clear that this is just a housekeeping move to remove a clearly antiquated law from the books and I call for the question.

Councilman Ackerman: I have a question. Are there other ordinances that cover this?

Councilpresident Zietlow: Yes, section 6.04.020, in much less colorful language.

Cockerille: The closest any other ordinance comes is section 6.04.020, deposit of refuse on streets and alleys. It does not cover spitting, under my interpretation of it. It could conceivably I suppose.

In response to a question from Councilman De St. Croix Chief Chambers said that he had not arrested anyone for spitting on the sidewalk in recent times.

ORDINANCE no. 73-70 WAS ADOPTED
BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman De St. Croix moved that Ordinance No. 73-71 be advanced to second reading and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

73-71 - repealing
chapter 14.24, minors
of the city code

Grace E. Johnson, City Clerk, read Ordinance No. 73-71, by title only.

Councilman De St. Croix moved that Ordinance No. 73-71 be adopted. Councilman Morrison seconded the motion.

Councilpresident Zietlow: This would make the city law consistent with state law and change the curfew from 10:30 to 11:00.

Cockerille: State law says that anyone who stays out after 11:00 and is under the age of 18 is delinquent.

ORDINANCE NO. 73-71 WAS ADOPTED BY
A ROLL CALL VOTE OF AYES 9, NAYS 0.

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

73-73 - Bicycle Paths

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

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

Councilman Davis: I would simply refer people to the report I have written and given to you. In discussions with Larry Owens there are several things that we do not want in the long run, but we do feel the best way to proceed would be to simply pass this ordinance which legitimizes the present paths and then to work a much more comprehensive system of paths and an ordinance concerning them, both of which would be required.

Councilpresident Zietlow: The ordinance basically would legitimize two bike paths on Jordan and on Walnut Grove.

Councilman Davis: They are painted on Jordan - there are signs only on Walnut Grove.

Councilman Mizell: You have before you a note from the engineering and the planning department - in accordance with a request from the council I did at the last plan commission meeting on Monday ask that the planning staff include a study of bicycle paths as part of the on-going thoroughfare study. There is a letter in response to that request. I might direct your attention to page three which indicates that there might be a potential for some grants for the project - either in the form of demonstration grants or for traffic safety grants which would help the city implement a bicycle path program and the plan department is pursuing this possibility.

Councilman Davis: Mr. Wray also.

Councilman Mizell: I would like to point out though some of the reservations that were indicated by the engineering department and the plan department. They have suggested some preliminary guidelines which the council may or may not want to discuss. The suggestions being that one, no street should be used for

a bike path which permits on-street parking, as open car doors are a hazard to bicyclists; two, that all bike lanes should be at least four feet wide to permit movement in either direction; three that only streets that have an adequate pavement width to provide at least two eleven foot moving lanes for the motorized traffic, in addition to the bicycle paths be used and four that no arterial streets be designated for bike paths. And then they have included dimensions on some of the streets which are included in this ordinance and I would say on Jordan with a slight exception between the traffic circle and seventh street there is no problem, however, as you move north on Jordan, eventhough you have a street width of forty feet there are two lanes of parking spaces which take out a total of twenty-one feet from the effective pavement, which reduces the pavement width for the automobiles and bicycles together to nineteen feet which is getting rather small. Walnut grove is also narrow between seventeenth and thirteenth. The recommended width for a street having two lanes of moving traffic for automobiles and two lanes of traffic for bicycles would be thirty feet. Twenty-two and eight.

Council president Zietlow: It seems to me we run into a problem here - we have bicycles on the streets and we have to figure out some way to make bicycle travel safer and make automobile traffic aware of bicycle traffic and whether or not the streets are wide or narrow the bicycles will continue to be there. The question about the bike paths that occurs to me is whether or not - as I think councilman Mizell brought up privately at least - is whether bicyclists would feel if they were in a bike path that they did have the right of way and whether or not cars and buses would honor the bike paths physically and keep out of it or pull into the lane. I was observing today as I waited to get down Jordan from tenth street to seventh street that the path is quite narrow and I am not sure I would be quite comfortable in it as a bicyclist on that path, scooting along between the buses and the cars and the curb. It is a recognition that there are bicycles there but whether or not this is a really secure recognition or not.

(The Council discussed the various physical, psychological and legal aspects of bicycle paths for almost two hours. Due to time limitations the tape will not be transcribed. The tape will be maintained in the council office for at least a year. The following is a transcription of the motions made.)

Councilman Mizell moved that Ordinance 73-73 be amended by adding a new section three and renumbering the existing section three to become section four, the new section three to read: "Any bicycle rider legally within a bicycle lane shall have the right-of-way. A bicycle rider shall be required to yield to on-coming left turn traffic at a street intersection." Councilman Ackerman seconded the motion.

Councilman De St. Croix asked that the bicycle task force draw up recommendations for the Common Council and the Bureau of Motor Vehicles.

Councilman Towell moved that the motion to amend be amended by deleting the phrase "A bicycle rider shall be required to yield to on-coming left-turn traffic at a street intersection." Councilman Ackerman seconded the motion. The motion to amend the motion was carried by a ROLL CALL VOTE OF AYES 6, NAYS 2, Abstentions 1 (Nay: Behen, De St. Croix; Abstention: Morrison)

Councilman De St. Croix moved that Ordinance No. 73-73 be tabled and send back to the bicycle task force for further study. Councilman Behen seconded the motion. THE MOTION TO TABLE WAS DEFEATED BY A ROLL CALL VOTE OF AYES 4, NAYS 5. (Aye: Morrison, Ackerman, Behen, De St. Croix)

THE MOTION TO AMEND ORDINANCE NO. 73-73 BY ADDING A NEW SECTION THREE to read: "Any bicycle rider legally within a bicycle lane shall have the right-of-way," WAS PASSED BY A ROLL CALL VOTE OF AYES 6, NAYS 3 (Nays: Morrison, Behen, De St. Croix)

Councilman Ackerman moved that Ordinance No. 73-73 as amended by adopted. Councilman Towell seconded the motion.

Councilman De St. Croix moved that Ordinance No. 73-73 be tabled. Councilman Morrison seconded the motion. The motion was DEFEATED BY A ROLL CALL VOTE OF AYES 4, NAYS 5 (Ayes: Morrison, Ackerman, Behen, De St. Croix).

ORDINANCE no. 73-73 AS AMENDED WAS PASSED BY A ROLL CALL VOTE OF AYES 5, NAYS 4 (Nays: Morrison, Ackerman, Behen, De St. Croix)

NONE.

PETITIONS &
COMMUNICATIONS

Councilman De St. Croix moved that Resolution No. 73-64 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

RESOLUTIONS

73-64 - transfer of funds

Grace E. Johnson, City Clerk, read Resolution No. 73-64 in its entirety.

Councilman De St. Croix moved that Resolution No. 73-64 be adopted. Councilman Morrison seconded the motion.

Councilman Fix: I have a question on the Board of Public Works shifting from salaries and wages to social security - does this take place on all budgets?

Hodenfield: we have known since the beginning of the year that we were going to come up short.

Councilman Fix: In other words the board of works pays all social security?

Mrs. Sims: Just for city employees - the city share.

Councilman Fix: It doesn't come from the salary figure?

Councilman Mizell: I notice in reviewing the explanations which accompany this transfer request that all of the departments, with the exception of the federal revenue sharing transportation department have recognized that the council has asked for a full explanation any time a transfer is requested. We do have explanations from all departments other than transportation.

Mrs. Sims: I realize that and Mr. Wray said that he would be here to explain.

Council President Zietlow: He told me he had a very important meeting of some sort and was unable to come and would accept its being tabled.

Mrs. Sims: I will say this - they are now behind on paying some of the bills because I could not pay them out of an incorrect appropriation, for communication and transportation. And in setting up the budget they really didn't look forward ahead enough I believe to study it and make sure they had all these things in it.

Councilman De St. Croix moved that Resolution No. 73-64 be amended by deleting the section on federal revenue sharing transportation department number 2. Councilman Mizell seconded the motion.

Council President Zietlow: I was my impression; Jim told me very quickly in passing that this would not work a hardship either.

COUNCILMAN Towell: Do we want to penalize one week or two weeks? We could table this to our special meeting next week if we had an explanation.

Councilman De St. Croix: I don't think it is a matter of penalty - I think it is a matter of policy that this council has set up and a policy that I think this council has informed all department heads of - that when transfers are a part of the agenda of a meeting that they will either be accompanied by a justification or a presentation by somebody in the department. It is not a penalty. It is just the council following one policy.

Councilman Towell: Well it may be a penalty not just to the department head but to our creditors.

Councilman De St. Croix: Well I think that is the department head's responsibility.

Councilman Towell: I agree on that point.

Councilman De St. Croix: I have moved to delete - as I understand the council rules if Mr. Wray were to get his justification to the council secretary in time for notification for it to be included on the agenda for the special meeting next week - and that is still possible - then that is at his discretion.

Councilman Towell: We have issued a call for the special meeting so it would have to be a unanimous decision to include it on the agenda.

Councilman De St. Croix: Then we can just move to table and it is Mr. Wray's determination as to when he wants to bring it back. He has evidently determined he doesn't want to bring it before us this way.

The motion to amend Resolution No. 73-64 by deleting the transportation request
WAS APPROVED BY AROLL CALL VOTE OF AYES 9,
NAYS 0.

amendment

Councilman De St. Croix moved that Resolution No. 73-64 as amended be adopted. Councilman Mizell seconded the motion.

Councilman Ackerman: Often these explanations only explain what the funds are needed for into which the funds are being transferred sometimes I have just as much interest as to why the funds are transferred out - and especially in parks and recreation my dealings

with the animal shelter and the problems there I just wonder how is it possible they have \$800 budgetted for insurance that was not spent

(the tape was being changed when the answer was given to this question by Mrs. Sims.)

resolution no. 73-64 as amended
WAS ADOPTED BY A ROLL CALL VOTE OF
AYES 9, NAYS 0.

Councilman De St. Croix moved that resolution No. 73-65 be introduced and read by the clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

73-65 - investment of funds

Grace E. Johnson, City Clerk, read Resolution No. 73-65 in its entirety.

Councilman De St. Croix moved that Resolution No. 73-65 be adopted. Councilman Morrison seconded the motion.

Councilman Mizell: I would like to complement the controller and her staff on moving so successfully to get a return on these monies. She is actually saving the city money by investing these funds.

Mrs. Sims: We have invested our money in certificates of deposit with Bloomington National Bank at eight and a half per cent for 120 days. So I did write to all the banks and asked if they would be willing to accept their proportionate share at 8 and a half percent interest for thirty days. First National called and said they would not be interested at all in any thirty day certificates and Bloomington National did call me at home and said yes that they would be very interested. I called Monroe County State and at first they said well they didn't think they wanted any for thirty days but then he finally said he would take whatever he could at six percent. We are supposed to get the going rate and since the going rate for the state is eight and a half percent and Bloomington is the only one that would take it, they can have it. (she was not at the microphone so was difficult to transcribe - this may not be exactly what she said.)

Resolution No. 73-65 WAS ADOPTED
BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Therebeing no further business
Council president Zietlow adjourned
the meeting at 10:30 p.m.

ADJOURNMENT

Charlotte T. Zietlow
Charlotte T. Zietlow, Council President

ATTEST:

Amy J. Mann
Amy Mann, Secretary

RESOLUTION NO. 73- 64
TRANSFER OF FUNDS

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

PARKING METER POLICE BUDGET:

From 11 Salaries & Wages \$150.00
To 54 Clothing Allowances \$150.00

PLANNING DEPARTMENT:

From 21 - Communication & Transportation \$150.00
To 55 - Subscriptions & Dues \$150.00

FIRE DEPARTMENT:

From 11 - Salaries & Wages \$1,300.00
To: 21 - Communication & Transportation \$400.00
37 - Other Supplies 400.00
43 - Repair Parts 500.00

BOARD OF WORKS:

From #11 Salaries & Wages \$3,300
To: #62 Social Security \$3,300

From: #24-Printing & Advertising \$ 700
To: #33 - Institutional & Medical \$ 400
To: #37 - Other Supplies 300

From: #32 - Garage & Motor Supplies \$ 2,300
To: #36 - Office Supplies \$ 800
#72 - Equipment 1500

FEDERAL REVENUE SHARING BOARD OF WORKS:

From #42 - Materials \$16,000
To: #26 - Services Contractual \$16,000

PARKS & RECREATION DEPARTMENT:

From #37 - Other Supplies \$ 52.00
To #63 - Grants & Subsidies \$ 52.00

From #51 - Insurance 800.00
To #33 - Institutional & Med. Supplies 800.00

From #37 - Other Supplies 1700.00
To #72 - Equipment 1700.00

APPROVED BY COUNCIL:

November 4, 1973

Charlotte T. Zietlow
Charlotte T. Zietlow, President
Common Council, City of Bloomington

11/5/73
Francis X. McCloskey, Mayor
City of Bloomington, Indiana

APPROVED BY MAYOR:

Francis X. McCloskey

RESOLUTION No. 73-65

INVESTMENT OF FUNDS

November 1, 1973

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

<u>FUND</u>	<u>AMOUNT</u>	<u>MATURITY DATE</u>
Corporate Bond Fund	\$ 4,000	30 Days
Cumulative Capital Fund	50,000	30 Days
Parking Meter Fund	50,000	30 Days
Parking Meter Facilities Fund	20,000	30 Days
Parking Revenue Bonds Proj. "A"	11,000	30 Days
Parking Revenue Bonds Proj. "B"	25,000	30 Days
Federal Revenue Sharing Trust Fund	140,000	30 Days
Water Depreciation Fund	550,000	30 Days
Sewage Sinking Fund	35,000	30 Days
Sewage Depreciation Fund	200,000	60 Days

APPROVED BY
COUNCIL:

November 1, 1973

Charlotte T. Zietlow
Charlotte T. Zietlow, President
Common Council, City of Bloomington

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

APPROVED BY MAYOR:

11/5/73