

In the Council Chamber of the Municipal Building on Thursday, April 20, 1972, at 7:35 p.m., with Charlotte T. Zietlow, President, presiding.

REGULAR MEETING
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

Members present;

ROLL CALL

James Ackerman, Richard Behen, Brian de St. Croix, Hubert Davis, Sherwin Mizell, Jack Morrison, Wayne Fix, Alfred Towell, Charlotte T. Zietlow.

Councilman Davis.

INVOCATION

Mayor Francis X. McCloskey, Martha Sims, City Controller; Marvard Clark, Assistant City Engineer; Police Chief, Carl Chambers; Fire Chief, Richard Gose; Russell Parks, Director of Public Safety; Bill Wilson, Director of Parks and Recreation.

CITY OFFICIALS PRESENT

Approximately 50 including members of the press.

OTHERS PRESENT

Councilman Morrison moved that the Minutes of the previous meeting of April 6, 1972, be approved as submitted. Councilman Fix seconded the motion, and it carried by unanimous voice vote.

MINUTES

Councilman Towell moved that petitions and communications be moved up to No. 5 of the Agenda. Councilman Morrison seconded the motion, and it carried.

Mayor McCloskey said there had been some discussion within the last few weeks about having a small claims court; and within the last ten days he had been in touch with City Judge, Andrew Williams, and his staff, about the possibility of initiating a small claims court this year. Initially it was hoped it would start June 1, this year, but Judge Andrews said ideally they could start to the demands of his schedule July 1, and in essence of an additional appropriation of some \$4,687.00 we could have a small claims staffed by perhaps a work-study law student to process the numerous so-called small claims involving sums of perhaps \$25.00 to \$100.00, as these are not very economical for an attorney to get involved in when considering the other pressing legal business, the demands of contingency fees, etc., but to someone on a tight budget particularly in a student situation \$50.00 could mean a lot.

MESSAGE FROM MAYOR

He said he thought many people were losing out under the present system of an opportunity to press their just claims. Consultation with Judge Andrews has offered us a program in which a private litigant can pay a small fee of \$5.00, fill out his complaint, have notice served and can properly have a hearing before a judge and with this sort of system it is hoped that people would have a responsibility to pay just claims. With the \$5.00 docket fee there would be an income of some \$2500.00 to the City. The Mayor asked for the Council's support and authorization and passage of this proposal. He further stated he thought \$4,000.00 to \$5,000.00 would cover the salary for the balance of the year for a full time staff aide for the Council.

In reference to the Bus service, he said \$15,000.00 more would be needed to continue the present two bus system to the end of the year, which is over the \$4,000.00 to \$5,000.00 they anticipated a few weeks ago. That under City Driving Law we would have to hire an additional driver.

Various other requests coming before the Council will be salary matters for Director of Public Safety, Corporate Counsel, etc. He believed there was sufficient flexibility in the budget to take care of most all of these matters. He commented that he believed the City Employees insurance problem had been resolved, as stated previously there is a surplus of hydrant rental funds in the amount of \$55,000.00. Howard Young, former City Controller has estimated that insurance package will cost \$36,000.00.

As to the recycling program, he said contrary to what the newspapers reported, recycling in Bloomington is not necessarily "dead". There has been some talk about the Stone Belt Council doing this work, but he did not see it as a responsibility of any private group if the going gets rough, that it is primarily a public concern. That it was incumbent on the City to once again be innovative to do more promotion on recycling; that we should seek the cooperation of major institutions such as Indiana University. He said it would probably take some solid negotiations on his part perhaps with potential contracts in the trash hauling area to see what can be done on an interim basis; to have a flexible contract so that this could be built into a contract would be a concern of the legal department.

The Mayor also commented on the new Human Rights Ordinance which was to be introduced. The major innovations in this ordinance includes the statement of public policy that provides for a philosophical policy frame work for the Commission to work within. The major thrust of the ordinance is to increase powers to initiate, investigate, and rectify charges of discrimination, power to investigate complaints and power to issue emergency orders. It has been a concern of this administration in providing equal opportunity and that such improvements be made, primarily because of the fact they are right and should be done.

He further commented that an official from the Housing and Development would be in his office tomorrow morning to discuss the possible implementation of the water and sewage funding for the Miller Drive area. He is hopeful that some funds will be unofficially committed. They have received from Voight, Sage and Pflum a proposal that spells out in detail the preliminary engineering and planning program for the Miller Drive area. This includes planning for water lines, sanitary sewers, storm sewers, land use plan and preliminary use for roads and streets. Total cost of this preliminary engineering survey is \$52,000.00. About one-half of this would be funded through federal sources.

A representative of the Indiana University Students Bureau presented a resolution endorsing a book drive to collect books for prisoners in Indiana Prisons. She said the Women's Prison was in dire need of books

PETITIONS AND COMMUNICATIONS

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more so than the men, as their institutions have a book fund.

The Clerk read proposed Resolution No. 72-22.

Councilman Towell moved that Resolution No. 72-22 be adopted. Councilman Morrisson seconded the motion.

Roll call vote: Ayes 9, nays 0.

None.

REPORTS FROM CITY OFFICIALS
AND DEPARTMENT HEADS

REPORTS FROM OFFICIAL
BOARDS AND COMMISSIONS

Plan Commission-Mizell

Councilman Mizell commented on the Technical Review Committee. He stated that early in the year it became apparent that both the Plan Commission and the Board of Works needed a technical review sub-committee to help accumulate information which would be helpful in making decisions on land use. In March a meeting was held in the Federal Building with representatives from the City Council, City Planning Department, Monroe County Soil and Water Conservation office, State Geological Survey and the County Extension office as well as representatives from the District Office of the Soil and Water Conservation of the United States Government. At this time they discussed the possibilities of forming this committee. With the help of Wayne Fix they now have a committee who is willing to serve. These include, John Hill-Glacial geologist, from Indiana State Geological Survey, Allan Backler from IU Geography Department, Ken Rumble, representative of home Builders, and of the Environmental Committee, through its land use subcommittee; Mike Roberts from land use subcommittee and member of IU Geography Department, Larry Burke, Architect of Odle and Burke Architects, Ken Burns, District Conservationist from the U.S. Soil Conservation service, John Rutherford, member of the Extension Service Community Development Council as well as the area extension agent, Wayne Fix, Councilman and Councilman Mizell, representing Plan Commission.

Councilman Mizell said at the present time the Plan Commission is meeting to discuss the new land use map and have gone through approximately one-third to one-half of the City, due to the excellent job which which was done by the Citizen Advisory Committees who worked very diligently over the past spring, summer and Fall. The original proposed proposed zoning was prepared according to the sketched plan by J.J. and R. which was reviewed by the Citizen Advisory Committees, and suggestions as well as suggestions from individual citizens and associations are being reviewed by the Plan Commission meeting as a Committee as a whole. They have also discussed means of presenting the original land use maps, which is the one we are operating under now which was approved in 1950 as well as the proposal from the Plan Commission for the new land use map. They are considering having projection slides made of the various quarter sections of both the old and new, so that when public meetings are held, they can show both the existing zoning and the proposed zoning in a form where everyone can see the zoning blocks. The proposed ordinance is being worked on and is being prepared in final form for

review by the Plan Commission as a whole.

Councilman Ackerman commended the Sidewalk Task Force Committee for their work on the report, and that a public hearing would be held on Monday night at 7:30 p.m.

Sidewalk Task Force

Mr. George Luginbell, Chairman of the Environmental Commission's Solid Waste Committee, discussed the recycling of paper at great length and said that the Stone Belt Council might be interested in taking over the recycling, that the Stone Belt participants would do the work themselves.

Environmental Commission

Mrs. George Heise, a member of the sub-committee said the project was not successful due to lack of promotion and collections were too frequent. They felt that a monthly or bi-monthly pick-up would be better.

Councilman de St. Croix said it was fine if we encouraged the Stone Belt Center to pick up the recycling program, and he would like to expand that statement, that if the Stone Belt Center feels that they can't pick up the program, he would like to encourage any group in the community that feels it could handle this type of program to submit a proposal to this Council; that he would like to see the recycling program continue.

Councilwoman Zietlow said as she understood it, this was a pilot project and before we could say whether it was successful or not we have to evaluate it. That as the Mayor has said we have not promoted it very actively at all.

Councilman Fix suggested that whatever proposal the Board would make that they try it not for ninety days, but they would do it, if it is only for sixty days then not struggle for 30 more, but make it know right away that the methods and procedures they have are not adequate.

Councilwoman Zietlow we would be running into a problem, because of a new trash contract coming up very shortly and we would have to deal with the whole recycling situation, and she thought we were going to have to know what was going to happen for a long period of time.

Mayor McCloskey, said that was one of his concerns, that as he had mentioned previously he was very amenable to all the input they can get from private and charitable organizations, but there has to be some protection for the environment, that there is somehow a commitment to carry through if a private group fails and this gets into the technical problems of contracts, and the person that gets the contract for the city will have to make major capital investments. He commented that the Stone Belt Center was very negative about this at their meeting.

Mr. Luginbill said Mr. Shaw would have to take this to the Board and the Board would have to o.k the proposal. That some members were for it and some against it, and that it would take a Board meeting before they would decide.

Councilman Davis commented he felt that the City had not gotten full value from the experience as

only^{one} system of collection had been tested.

Councilman Ackerman suggested that we not write the paper pick-up into the garbage contract and we save the rest of the money we have, and aim for the first Monday or Tuesday in June.

Councilman de St. Croix moved that this Council encourage Stone Belt Council or anybody to submit a proposal; that he thought the information would be worth considering. He did not think we could assess what kind of step it was until we saw the proposal; he saw no problem with indicating our receptiveness to any proposal regarding solving the problem we haven't been able to solve thus far. Councilman Davis seconded the motion, with the understanding that what we're asking for is not for proposal to take it over, but simply a proposal of how they might integrate themselves to a total service.

Roll call vote: Ayes 9, nays 0.

None.

REPORTS FROM STANDING
COMMITTEES

None.

REPORTS FROM SPECIAL
COMMITTEES

Councilman de St. Croix stated the Manpower Study Committee would be meeting Tuesday, April 24, 1972 at 7:30 p.m., in the Planning Room.

MESSAGES FROM COUNCILMEN

Councilman Towell said that on the Landlord-tenant ordinance they are still consulting with the City Legal department. After the ordinance comes back to them they will have a public hearing before bringing it to the Council.

Councilman Towell commented as to the Board of Public Safety. He said over the past three months he has had a very satisfactory learning period about police and fire, and the people responsible in the administration. The Board of Safety consisting of Thomas Schornhorst, LaVerta Terry and Kenneth Rumble is a very hard working committee. In trying to select new police officers they have interviewed 38 people with the cooperation of Police Chief Chambers, and other people, and he thought they selected six very worthy candidates, including two women.

The Board also is working on combating hard drug abuse with the Indiana University Safety Division and the Sheriff's department, also the Board approved a new contract for fire protection of Salt Creek Township. He said there was a question of hair, that the Police Department did have a mass meeting and a vote on the hair policy. They adopted a policy which allows for no beards and mustaches, no sideburns beyond the middle of the ear, and they came in with their point of view that this would be a matter of neatness and their image for the community. Councilman disagreed that a point of neatness was involved and do disagree that the police would have a better image. He felt that coercion of

this kind was very short sighted for a community such as this. He felt the administration was very fortunate in the selection of the people on the Safety Board and the officers that head up their police and fire departments.

Councilman Ackerman commented as to the deputization of the Humane Officer. Larry Owens, City Attorney has discovered that the State Law that was read will give Humane Officers city deputization which will give them power on a county wide basis to enforce the animal control laws.

Councilwoman Zietlow read the following letter from the Monroe County Comprehensive Health Planning Council:

Dr. Ray Bourland submitted a report to the Monroe County Comprehensive Health Planning Council at its meeting on April 11, 1972, relative to the Common Council's request for action on the problem of VD. Copy of his report attached. The providers of Health Care in attendance at the Health Planning Council meeting were in general agreement that the victims of VD who seek medical aid are receiving treatment and that a clinic is not needed. A lay member of the Council questioned the sufficiency of Dr. Bourland's survey on a class basis, Did it represent a middle class response to a survey of the middle class. Such a possibility was not denied, the implication that VD may be more prevalent among low income groups was somewhat refuted by the executive director of Plan Parenthood who reported a low incidence in a room for Teen check of its clientel. The only way that the need for envirability of a need for a Clinic can be established through a pilot project. As previously explained our Council is not geared for action programs, since five doctors in the survey indicated their willingness to donate to a VD clinic it may be that a test project could be conducted if an agency could be found to sponsor it, A joint city-county official request of the Monroe County Board of Health appears to be their best recourse."

Councilman de St. Croix said he was sorry that the medical profession had responded in the way that they have in this matter. The fact still remains that Monroe County of the 92 counties in the State of Indiana has the highest incidence of reported cases of venereal disease of all Counties that have no clinic facilities. He also said there were monies available through State Board of Health to this community to implement and institute a venereal disease clinic at no cost to this community. He thinks this is a necessity in this community and a beginning of a responsible step towards assuring good health care to the people in the community and encouraged citizens of the community who are interested in seeing the establishment of a venereal disease clinic to contact him or any other member of the council.

Councilwoman Zietlow moved that we get together with the County officials to make a joint request of the Monroe County Board of Health as Mrs. Collins has suggested. Councilman de St. Croix seconded the motion, and it carried.

Councilman de St. Croix moved that proposed

INTRODUCTION OF ORDINANCES

Ordinance No. 72-15 be introduced and read by the Clerk. Councilman Morrison seconded the motion, and it carried.

The Clerk read proposed Ordinance No. 72-15.

Councilman de St. Croix moved that proposed Ordinance No. 72-16 be introduced and read by the Clerk. Councilman Morrison seconded the motion. Ordinance No. 72-16 Amending Municipal Code Violations-Penalties

The Clerk read proposed Ordinance No. 72-16

Mayor McCloskey said this was somewhat of an urgent matter. That we have unenforceable ordinances, because there are no penalties; they are statement of good things, and if this is the case even for two weeks he would not be adverse to the rules being suspended and the ordinance passed now.

Mr. Register, corporate counsel said he and Larry Owens, City Attorney were in the process of filing at least one petition against a contractor who has already been found guilty of violation of various zoning ordinances. He said Mr. Owens had discussed with him that in the entire municipal code there wasn't a single line of penalties. That if you violated any ordinances, particular to building lots or standards, there was no penalty at all. The legal department at this time feels somewhat helpless to stand by and see flagrant violations of requirements that this council and its predecessors have laid down over a period of time and very carefully, and then to find that absolute lacking with any way of punishing violators.

Councilman Towell moved that the rules be suspended to give further consideration to proposed Ordinance No. 72-16. Councilman Morrison seconded the motion.

Roll call vote: Ayes 9, nays 0. Councilman Davis voted aye with reluctance as he was not convinced it was an emergency, and he would be hesitant in the future suspending rules on things brought before the Council. Councilman de St. Croix said he concurred with Councilman Davis on suspension of rules.

Councilman Morrison moved that proposed Ordinance No. 72-16 be read by the Clerk by title only. Councilman de St. Croix seconded the motion, and it carried.

The Clerk read proposed Ordinance No. 72-16 by title only.

Councilman Morrison moved that proposed Ordinance No. 72-16 be adopted. Councilman de St. Croix seconded the motion.

Roll call vote: Ayes 9, nays 0.

Councilman Morrison moved that Resolution No. 72-23 be introduced and read by the Clerk. Councilman Behen seconded the motion, and it carried. RESOLUTIONS Resolution No. 72-23 Transfer of Funds

The Clerk read proposed Resolution No. 72-23.

Councilman Morrison moved that proposed Resolution No. 72-23 be adopted. Councilman de St. Croix seconded the motion.

Roll call vote: Ayes 9, nays 0.

Councilman Morrison moved that proposed Ordinance No. 72-11 be introduced and read by the Clerk by title only. Councilman de St. Croix seconded the motion. ORDINANCES-SECOND READING Ordinance No. 72-11 Rezoning land located East Casey Pike R-1 to R-3

The Clerk read proposed Ordinance No. 72-11 by title only.

Mr. Pat Patterson described the area. He said it was recommended by the Plan Commission that rezoning be changed from R-1 to R-3 for one acre which is located east of Curry Pike and North of Vernal Pike. Surrounding zoning is R-1 to the north and to the East, R-4 to the south and R-1 to the west. The Fraternal Order of Police are proposing to build a lodge building on this one acre.

Councilman Ackerman asked if there was some question as to water hooking up with the Ellettsville water.

Mr. Patterson said there was some discussion at the Plan Commission about the water problem, Mrs. Brown had raised the question and it was essentially stated, but generally it is the decision of the Board of Works.

Councilman Ackerman asked about the sewer system. Mr. Patterson said there was no sewer available at this time. It was noted however that the proposed use for the land as a fraternal lodge would be less of a septic problem than the kind of use that could go in now which is single family; that the Lodge would be used on rare occasions.

Councilman Mizell commented it was to be used for the Policeman's Annual Ball primarily.

Councilman de St. Croix asked if they were just going to build a building for one night a year.

Councilman Morrison asked if the entire five acre tract was leased.

Councilman Mizell said the construction they wanted to build would only require one acre, but it was his understanding they have the entire five acres, but would be only allowed to put the building on one acre, which meant you would have a rather large septic field.

Councilman de St. Croix was interested in getting more information particularly as to water and sewer facilities for this particular land since there was no one present who could explain this to the Council and he wondered if perhaps if they could postpone any decision on this ordinance until the next meeting, and requested that the parties involved be present to answer some questions regarding that. Councilman Mizell said he thought this was a reasonable request.

Councilman de St. Croix said he did not think he had the adequate knowledge to make either a negative or positive vote on this ordinance.

Councilman de St. Croix moved that Ordinance No. 72-11 be tabled until the next meeting of the Council. Motion seconded by Councilman Behen, and it carried by unanimous voice vote. He requested that Council send a communication to the parties involved of their action, and request.

Councilman Morrison moved that Ordinance No. 72-12 be introduced and read by the Clerk by title only. Councilman de St. Croix seconded the motion, and it carried.

Ordinance No. 72-12
Land located 900 Block
West First Street
Zoning R-1 to R-3

The Clerk read Ordinance No. 72-12 by title only.

Councilman Morrison moved that Ordinance No. 72-12 be adopted. Councilman de St. Croix seconded the motion.

Pat Patterson described the location of the land and various zoning areas.

Mr. Gary Clendening, attorney for the developer described the proposed development and rezoning. The proposal which was presented to the Plan Commission was two buildings composing 20 units. That they have to seek rezoning before developer can go further. The basic reason for being there tonight is to get this area rezoned to a multiple family use, being well aware that there were a lot of stages they have to go through, but they must seek rezoning before they can build what they propose. Councilman de St. Croix asked what is to stop the development of a single unit multi-dwelling similar to the Plantation Apartments which has far more than twenty units. If we allow for the rezoning of this property with absolutely no guarantee that anything is going to happen except that we are talking about two buildings, but we have to do samplings, etc., and asked if he could give any information as to parking, traffic flow in the area, congestion, that he is aware that the area is inundated with traffic in the afternoon to RCA, there is a bad intersection as you go out to second Street in that area as you do down towards State Road #37 South. He asked what kind of information he could give in regard to impact it has on the hospital and residential area.

Mr. Clendening said it would naturally add probably some 30 cars. That as to the parking problems, that is something they will have to go back to the Plan Commission for. That he saw no significant increase in traffic.

Councilman de St. Croix said he was somewhat reluctant to rezoning a specific piece of property with no specific plans, nothing to consider except heresay evidence that anything is going to happen. We're impacting the neighborhood, changing the whole community, that the R-3 use is a fairly wide use.

Mr. Clendening said that without rezoning, the developer who is thinking about using this for apartment complex is running a very high risk in terms of having architect entering into the whole thing in terms of taking rock samples, and this type of thing. There is very little planning that can be done unless it is properly zoned for what the developer is asking in the plan. He asked that the Council consider this piece of property on the simple question "is this appropriate land for multiple family use". The Plan Commission has recommended a portion as multiple family use, and the Plan Commission voted 9-0 for multiple family use.

Councilman Morrison noted that when they rezoned Fairview Street, they looked this area over and took a long study on this and they found out on this immediate area of going into the hospital, that the greatest traffic hazard was when RCA let out and of coming up Fariview Street and going west on First Street, coming out on second street. The greatest traffic hazard was a narrow street between Wiley and First.

Roll Call vote: Ayes 6, Nays 3 (Ackerman, Behen, Zietlow) Councilman Ackerman said he was sympathetic with Dr. McGuire as the need for residential areas for nurses and doctors in training, but it seemed to him in passing this they are making a decision for all the single family dwelling houses all the way down First Street, and he would like to make the plan not just for the hospital zone, but for what we are going to do with the rest of the area, should it be all apartments or should it not.

Councilman Morrison moved that Ordinance No. 72-13 be introduced and read by the Clerk by title only. Councilman de St. Croix seconded the motion, and it carried.

Ordinance No. 72-13
Zoning Land located East
Highway #37 south of Royal
Chevrolet

The Clerk read Ordinance No. 72-13 by title only.

Councilman Morrison moved that proposed Ordinance NO. 72-13 be adopted. Councilman de St. Croix seconded the motion, and it carried.

Mr. Pat Patterson described the area.

Gary Clendening, attorney for petitioner described the area as to rezoning and land use.

Roll call vote: Ayes 9, ayes 0.

None.

None.

None.

The meeting adjourned at the hour of 12:10 p.m.

REMONSTRANCES AND OBJECTIONS

OTHER NEW BUSINESS

UNFINISHED BUSINESS

ADJOURNMENT

Charlotte T. Zietlow
Charlotte T. Zietlow, President

ATTEST:

Beverly A. Hark
Secretary

Resolution NO. 72-22
Book Collection for Prisoners

WHEREAS, Indiana correctional institutions receive limited funds for libraries which can provide a constructive outlet and an educational tool for the rehabilitative process,

BE IT HEREBY RESOLVED, that the Common Council of the City of Bloomington supports current efforts to collect reading material and paid magazine subscriptions for the Indiana correctional institutions during the Book Drive, April 24 through May 10.

We urge our fellow citizens to generously support this worthy cause.

Charlotte T. Zietlow
Charlotte T. Zietlow, President

Adopted: April 20, 1972

RESOLUTION No. 72-23

BUDGET TRANSFERS

BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, that the City Controller of said City will adjust the appropriations of the following Budgets according to the request of the respective departments, to-wit:

FIRE DEPARTMENT BUDGET:

FROM 1 SERVICES PERSONAL		
11 Salaries and Wages		\$1,200.00
TO 33 INSTUTIONAL AND MEDICAL		
331 Household, Laundry & Cleaning	\$ 500.00	
72 EQUIPMENT	700.00	

ENVIORNMENTAL COMMISSION BUDGET:

FROM 36 OFFICE SUPPLIES		\$ 250.00
TO 72 EQUIPMENT	\$ 250.00	

POLICE DEPARTMENT BUDGET


FROM 1 SERVICES PERSONAL		
11 Salaries & Wages		\$10,000.00
TO 2 SERVICES CONTRACTUAL		
25 Repairs		
252 Equipment	\$10,000.00	


BOARD OF WORKS BUDGET

FROM 2 SERVICES CONTRACTUAL		
26 Other Contractual Services		
262 Hydrant Rental		\$35,000.00
TO 5 CURRENT CHARGES		
51 Insurance	\$35,000.00	

CUMULATIVE CAPITAL IMPROVEMENTS BUDGET

FROM 2 SERVICES CONTRACTUAL		
26 OTHER CONTRACTUAL SERVICES		\$ 5,000.00
TO 4 MATERIALS		
41 Building Materials	\$ 5,000.00	


Francis X. McCloskey, Mayor
City of Bloomington


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