

In the Council Chamber of the Municipal Building on Thursday, May 18, 1972, at 7:40 p.m., E.S.T., with Council President, Charlotte Zietlow, presiding.

REGULAR MEETING  
COMMON COUNCIL  
CITY OF BLOOMINGTON,  
INDIANA

Members present:

ROLL CALL

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

Councilman Behen.

INVOCATION

Mayor Francis X. McCloskey; Martha Sims, City Controller; Marvard Clark Assistant City Engineer; Police Chief Carl Chambers; Russell Parks, Director of Public Safety.

CITY OFFICIALS PRESENT

Approximately 40 including members of the press.

OTHERS PRESENT

Councilman Morrison moved that the minutes of May 4, 1972, and minutes of Special meeting of May 11, 1972 be approved as distributed. Motion seconded by Councilman Behen.

MINUTES

Councilman Behen moved that the Minutes of May 4, 1972 be amended as to last paragraph on page seven as follows: "Councilman Behen moved that Ordinance No. 72-15 be tabled until the next meeting of the Council. Motion Seconded by Councilman Davis." Motion was seconded by Councilman Morrison, and it carried.

Councilman de St. Croix moved that the Minutes of May 4, on page 4, next to last paragraph be amended as follows: "James Newlin, Employment Director for Service and Maintenance Personnel at Indiana University." Motion seconded by Councilman Behen, and it carried.

Councilman Fix moved that the third paragraph on page 7 of the May 4 meeting be amended as follows: "There was a lengthy discussion of the ordinance between the Council and members of the audience and several amendments were suggested to the ordinance. Motion was seconded by Councilman de St. Croix, and it carried."

Councilman de St. Croix moved that the Minutes of May 11, 1972, be amended to read as follows: Page 2, first paragraph. Insert "I am opposed to the calling of this Special Meeting, but I am in favor of attending the meeting, because I support the ordinance." Motion seconded by Councilman Behen, and it carried.

Councilman Morrison moved that the Minutes of May 4, and May 11, be approved as amended. Seconded by Councilman de St. Croix, and it carried by unanimous voice vote.

None.

EXAMINATIONS OF CLAIMS

Mayor Francis X. McCloskey spoke briefly concerning the financial status of the City; that the State Board of Accounts had stressed to the City Controller the dire financial plight of the city, due to the fact there is some \$450,000.00 in the "red" being handled by Utilities because the last administration under estimated advertently or inadvertently the amount of money in the General Fund as of January 1972. He also commented on the additional appropriation ordinance being introduced; that it was

MESSAGE FROM MAYOR

only horizontal transfers, from one line item to another, and they have been assured by the State Board of Accounts they would be approved.

He also stated the City legal department had prepared eight annexation ordinances to be introduced at tonight's meeting, and that during the next several months various annexations would be involved at the Council meetings.

None.

PETITIONS AND COMMUN  
TIONS

Councilman Ackerman moved that Item 14, on the Agenda, Ordinances-Second Reading be moved up before Item 13, Introduction of Ordinances on the Agenda. Councilman Behm seconded the motion and it carried by unanimous voice vote.

Mrs. Sims, City Controller read the following letter addressed to Mayor McCloskey:  
"Dear Mayor:

REPORTS FROM CITY  
OFFICIALS AND DEPARTMENT  
HEADS

Upon the recommendation of the State Board of Accounts, I am making this report to you on the financial condition of the City. There was budgeted in the General Fund for the year 1972 as prepared by the former administration and approved by the Council, County Tax Board and State Tax Commissioners \$2,497,352.00. The estimate of necessary expenditures from July 1, to December 31, 1971, to be made from appropriations unexpended for that year as set out by last administration \$795,653.00. This made total funds required for 18 month period of \$3,293,005.00. There were funds on hand and to be received from miscellaneous incomes from sources other than proposed tax levy of \$1,859,994.00. This made the net amount required to be raised for expenses to December 31, 1972, plus operating balance of July 1, 1971, \$1,554,880.00. That was the amount to be raised by the tax levy. If the true figure had been used in item two above, then the total funds required to have been raised by tax levy would have been an additional \$445,000.00, the amount spent in excess of the \$795,000.00 as estimated, then the amount levied would have been another sixty cents over and above our \$3.00 tax rate. It will be up to this administration to attempt to make up the deficit for 1972 and to prevent this same thing happening in 1973. In order to do this there will have to be a substantial raise in the tax levy for the City of Bloomington."

Respectfully submitted,

Martha Sims, City Controller."

Mr. Russell Parks reported that there were only two Purse snatchings reported since January 1, both occurred in January on the 11th and 17th in the 300 block on North Grant and 500 block on South Grant.

Report-  
Russell Parks-  
Director Public Safety

Councilwoman Zietlow asked if either case was related to darkness of street.

Mr. Parks said there was normal lighting on this street.

Geoff Grodner presented a Landfill Agreement between the City and the Monroe County Board of Commissioners for use of the County Landfill. A copy of said agreement is attached and made a part of the Minutes.

REPORTS FROM OFFICIAL BOARDS  
AND COMMISSIONS

Landfill Agreement

After a discussion of the Agreement Councilman Davis moved that the Council ratify the Agreement. Councilman Ackerman seconded the motion.

Roll call vote: Ayes 8, Nays 0.

Councilman Mizell reported that the

Plan Commission-Mizell

land use map has been considered at many meetings of the Plan Commission. At this point they have considered and are making recommendations on over half of the area of the city. Another meeting is scheduled for Monday evening. They are hopeful that the ordinance is also moving along at the same speed. He reported that as they go along in the land use map and recommendations, certain obvious points come up which need to be included in the ordinance and this is causing a delay because they have to rewrite certain parts of the ordinance to incorporate some of the comments. He thought the map might be finished by the end of this month.

None.

REPORTS FROM STANDING COMMITTEES

Councilman de St. Croix reported that the next meeting of the Manpower Task Force will be held May 23, 1972, at 7:30 p.m., in the Plan Room. There has been some reorganization of the sub-committees of the Task Force. He reported they were progressing with various sub-committee reports, which hopefully they will submit to the Council on June 15, meeting.

REPORTS FROM SPECIAL COMMITTEES

"The findings of this task force will be an impartial and objective analysis of the manpower and employment situation in the community." Those are the goals of the Task Force and the goals the Task Force will meet. Any sub-committee report that does not meet those goals will be rejected."

None.

MESSAGES FROM COUNCILMEN

Councilman Morrison moved that Resolution No. 72-29 be introduced and read by the Clerk. Councilman de St. Croix seconded the motion.

RESOLUTIONS

Resolution No. 72-29  
Transfer of Funds

The Clerk read Resolution No. 72-29.

Councilman Morrison moved that Resolution No. 72-29 be adopted. Councilman de St. Croix seconded the motion.

Roll call vote: Ayes 8, nays 0.

Councilman Morrison moved that Resolution No. 72-30 be introduced and read by the Clerk. Councilman de St. Croix seconded the motion.

Resolution No. 72-30  
Investment of Funds

The Clerk read resolution No. 72-30.

Councilman Morrison moved that Resolution No. 72-30 be adopted. Councilman de St. Croix seconded the motion.

Roll call vote: Ayes 8, nays 0.

Councilman de St. Croix moved that Resolution No. 72-31 be introduced and read by the Clerk. Councilman Morrison seconded the motion.

Resolution No. 72-31  
Flood Plain Insurance

The Clerk read Resolution No. 72-31.

Councilman de St. Croix moved that Resolution No. 72-31 be adopted. Councilman Morrison seconded the motion.

Roll call vote: Ayes 8, nays 0.

Councilman Morrison moved that Ordinance No. 72-17 be introduced and read by the Clerk by title only. Councilman de St. Croix seconded the motion.

ORDINANCES-SECOND READING

Rezoning Ordinance No. 72-17  
907 W. 2nd Street

The Clerk read proposed Ordinance No. 72-17 by title only.

Councilman Morrison moved that proposed Ordinance No. 72-17 be adopted. Councilman de St. Croix seconded the motion.

Roll call vote: Ayes 7, nays 1, (Mizell)

Councilman de St. Croix moved that Ordinance No. 72-18 be introduced and read by the Clerk. Councilman Morrison seconded the motion.

Rezoning Ordinance No. 72-18  
7.7 acres West Hospitality House

The Clerk read proposed Ordinance No. 72-18.

Councilman de St. Croix moved that proposed Ordinance No. 72-18 be adopted. Councilman Morrison seconded the motion.

Councilman Mizell reported the rezoning was necessary so that the petitioner could build a forty bed addition to the Hospitality House. He read a report of the Plan Commission, and at the Plan Commission meeting he recommended that the plans of the area be submitted to the Environmental Technical Advisory Sub-committee of the Plan Commission, due to drainage problem.

Councilman Fix said he could see no immediate danger of a drainage problem.

Frank Barnhart, attorney for petitioner gave a description of the area and proposed addition to the Hospitality House.

Roll call vote: Ayes 8, nays 0.

Councilman de St. Croix moved that Ordinance No. 72-19 be introduced and

Ordinance No. 72-19  
Amendment to Animal Control Ord.

read by the Clerk by title only.  
Councilman Morrison seconded the motion.

The Clerk read proposed Ordinance No. 72-19.

Councilman de St. Croix moved that proposed Ordinance No. 72-19 be adopted. Councilman Morrison seconded the motion.

Councilman Ackerman explained the first two sections of the ordinance reference to the funds paid to the City Controller which shall be placed in a special fund and also the impounding of animals and fee for redemption.

Mr. Hinkle spoke as to Section 3 of the Ordinance which repealed Section 7.16. 100 having to do with rabies payment and spaying deposit; this ordinance provided that animals being adopted from the shelter be given a rabies shot and all female animals be spayed. The purpose of repealing the ordinance is to give the Animal Control Commission and the Humane Association an opportunity to look into the problems of rabies vaccination and the problems of spaying and to see if they can get a more effective program.

Councilman de St. Croix said he thought the impounding fee should be increased from \$5.00 to \$25.00, due to the large number of dogs roaming the streets, packs of dogs terrorizing children and in some instances biting children.

Councilman de St. Croix moved that Section 2 of Ordinance No. 72-19 be amended to read, "The fee for impounding dogs shall be \$25.00. Councilman Behen seconded the motion.

Councilman Davis said another way to handle this sort of thing was to have an escalation clause. The first time charge be \$5.00, second, \$10.00, third, \$25.00 and perhaps the fourth they could not reclaim the animal.

Councilman de St. Croix agreed to withdraw his motion, and Councilman Behen withdraw his second.

Councilman de St. Croix moved that Section 2, be amended to read as follows: For impounding any dog, first offense, \$5.00, second offense, \$15.00, third offense, \$25.00, each and every subsequent offense \$50.00. Councilman Behen seconded the motion.  
Roll call vote: Ayes 8, nays 0.  
Councilman Morrison spoke against the charge of \$50.00.

Councilman de St. Croix said he would like to add to motion and to put a time period of one year for the offenses.

Councilman de St. Croix moved that: For impounding any dog, first offense \$5.00, second offense, \$15.00, third offense, \$25.00, fourth and each subsequent offense, \$50.00, such charges to be made for any offenses within one year from date of first offense. Councilman Behen seconded the motion, and it carried.

Councilman de St. Croix moved that Ordinance No. 72-19 as amended be adopted.

Roll call vote: Ayes 8, Nays 0.

Councilman Ackerman moved that proposed Ordinance No. 72-20 be introduced and read by the Clerk by title only. Councilman Morrison seconded the motion.

Ordinance No. 72-20  
Construction of Sidewalks

The Clerk read proposed Ordinance No. 72-20 by title only.

There was considerable discussion as to the width of sidewalks.

Councilman de St. Croix moved that Ordinance No. 72-20 be tabled until next council meeting and requested detailed statement from Sidewalk Task Force as to width segment. Councilman Morrison seconded the motion. This motion was withdrawn.

Councilman Ackerman moved that Sect. 1 be amended as follows: Sidewalks to be not less than four feet in width instead of five feet. Councilman de St. Croix seconded the motion. After further discussion this motion was withdrawn.

Councilman de St. Croix moved that Ordinance No. 72-20 be adopted as written. Councilman Morrison seconded the motion.

Councilman de St. Croix moved that the Annexation Ordinances be introduced first. Councilman Morrison seconded the motion, and it carried.

INTRODUCTION OF ORDINANCES  
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ANNEXATION ORDINANCES  
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Councilman de St. Croix moved that Ordinance No. 72-22 be introduced and read by the Clerk. Councilman Mizell seconded the motion.

Ordinance No. 72-22  
Leonard Springs Road

The Clerk read proposed Ordinance No. 72-22.

Councilman de St. Croix moved that Ordinance No. 72-23 be introduced and read by the Clerk. Councilman Mizell seconded the motion.

Ordinance No. 72-23

The Clerk read proposed Ordinance No. 72-23.

Councilman Ackerman moved that Ordinance No. 72-24 be introduced and read by the Clerk. Councilman de St. Croix seconded the motion.

Ordinance No. 72-24  
Griffith Motor Express

Councilman Ackerman moved that Ordinance No. 72-25 be introduced and read by the Clerk. Councilman de St. Croix seconded the motion.

Ordinance No. 72-25

The Clerk read proposed Ordinance No. 72-25.

Councilman de St. Croix moved that Ordinance No. 72-26 be introduced and read by the Clerk. Councilman Ackerman seconded the motion.

Ordinance No. 72-26

The Clerk read proposed Ordinance No. 72-26.

Councilman de St. Croix moved that Ordinance No. 72-27 be introduced and read by the Clerk. Councilman Mizell seconded the motion.

Ordinance No. 72-27

The Clerk read proposed Ordinance No. 72-27.

Councilman de St. Croix moved that Ordinance No. 72-28 be introduced and read by the Clerk. Councilman Ackerman seconded the motion.

Ordinance No. 72-28

The Clerk read proposed Ordinance No. 72-28.

Councilman de St. Croix moved that Ordinance No. 72-29 be introduced and read by the Clerk. Councilman Ackerman seconded the motion.

Ordinance No. 72-29

The Clerk read proposed Ordinance No. 72-29.

Councilman de St. Croix moved that Appropriation Ordinance No. 72-2 be introduced and read by the Clerk. Councilman Fix seconded the motion.

Appropriation Ordinance No. 72-2

The Clerk read proposed Appropriation Ordinance No. 72-2.

Councilman de St. Croix moved that Ordinance No. 72-21 be introduced and read by the Clerk. Councilman Ackerman seconded the motion.

Ordinance No. 72-21  
Salary Ordinance

The Clerk read proposed Ordinance No. 72-21.

None.

REMONSTRANCES AND OBJECTIONS

Councilman Davis moved that the Council Meetings start at 7:00 p.m., beginning with June 1, 1972 meeting. Councilman de St. Croix seconded the motion, and it carried.

None.

OTHER NEW BUSINESS

None.

UNFINISHED AND MISCELLANEOUS

The meeting adjourned at the hour of 12:00 p.m.

ADJOURNMENT

ATTEST:

Glady Van Hook  
Secretary

Charlotte T. Zietlow  
Charlotte T. Zietlow, President

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AGREEMENT

THIS AGREEMENT made and entered into this 3 day of April, 1972, by and between the BOARD OF PUBLIC WORKS OF THE CITY OF BLOOMINGTON, Indiana, hereinafter called "City", and the BOARD OF COMMISSIONERS OF MONROE COUNTY, Indiana, hereinafter called "County",

WITNESSETH:

(1) The County agrees to accept solid waste materials from the City's garbage and trash collector, from Departments of the City of Bloomington, from Indiana University, and from City residents who bring such materials to the County in automobiles, stationwagons, small pickup trucks and small trailers. The County will not be required to accept any explosive materials, large quantities of chemicals or jacked automobiles.

(2) The term of this agreement shall be nine (9) months, commencing upon the 1st day of April, 1972 and ending upon the 31st day of December, 1972.

(3) In exchange for the services to be rendered by the County to the City under this agreement, the City will pay to the County the sum of Thirty-Three Thousand Dollars (\$33,000.00).

Payment of this sum to be paid to the County by the City shall be made in two (2) installments, the installment to be paid on or before the 31st day of July and the second installment on or before the 31st day of January of each year for the services rendered by the County to the City through the preceding 30th day of June or 31st day of December as the case may be.



(4) The County shall provide adequate and sufficient roads into the area where such solid waste materials are to be deposited and adequate and sufficient roads within the area so as to provide access into the area and from place to place within the area to vehicles bringing solid waste materials to the area under this agreement.

(5) The County shall operate and maintain the area and will accept solid waste materials from the City between the hours of 8:00 a.m. and 6:00 p.m. upon weekdays and from 8:00 a.m. until 12:00 noon upon Saturdays, including holidays.

(6) The County shall operate the landfill operation herein agreed to be operated by them in a manner conforming to the recommendation and rules of the Indiana State Board of Health.

(7) The County agrees that in the event the area now used by it for landfill shall be filled up, the County shall obtain additional land in order to fulfill its obligations under this agreement.

(8) If either party shall fail to observe or perform any conditions, obligations or terms of this agreement, notice in writing of such default may be given to such defaulting party, and if such default continue for thirty (30) days after the receipt of such notice, the party giving such notice of default may at its option cancel this agreement or demand and enforce a demand for specific performance of this agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 3 day of April, 1972.