

In the Council Chambers of the Municipal Building, Thursday, November 2, 1972, at 7:00 p.m., E.S.T, with Council president Charlotte Zietlow presiding.

REGULAR MEETING
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

Present: James Ackerman, Hubert Davis, Wayne Fix, Sherwin Mizell, Jack Morrison, Alfred Towell, Charlotte Zietlow, Richard Behen (Mr. Behen left the meeting after the discussion of Resolution No. 72-65).

ROLL CALL

Absent: Brian De St. Croix was out of town.

Ted Najam, Assistant to the Mayor; Grace Johnson, City Clerk; Martha Sims, Controller; Larry Owens, City Attorney; James Register, Corporate Counsel; Marvard Clark, Assistant City Engineer; James Wray, Director of Transportation; Tim Hodenfield, Aide to the Board of Public Works; Bruce Wacowski, Human Rights Attorney and Equal Employment Officer; Carl Chambers, Chief of Police.

CITY OFFICIALS PRESENT

About 25 people, including members of the press.

OTHERS PRESENT

Councilman Morrison moved that the minutes of October 19, 1972, and October 26, 1972, be approved as distributed. Councilman Davis seconded the motion.

MINUTES

10/19/72; 10/26/72

Councilman Davis moved that the minutes of October 19, 1972, be amended as follows: on page 16, the fourthline in the next to the last paragraph the words "before November 15" be stricken and the words "in adequate time" be substituted in their place. Councilman Behen seconded the motion. The motion to amend was carried by a ROLL CALL VOTE OF Ayes 5, Nays 1, Abstentions 2 (Nays: Behen, Abstentions: Morrison, Towell).

Councilman Davis moved that the minutes of the meeting of October 26, 1972 be amended as follows: on page 1, "Wednesday" should be changed to read "Thursday"; and on page one, the eighth paragraph, "majority" should be stricken and "unanimous" put in its place. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Morrison MOVED THAT THE MINUTES OF THE MEETINGS OF OCTOBER 19, 1972, and OCTOBER 26, 1972, BE APPROVED AS AMENDED. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

None.

OLD BUSINESS

None.

EXAMINATION OF CLAIMS

None.

MESSAGE FROM THE MAYOR

None.

PETITIONS AND COMMUNICATIONS

None.

REPORTS FROM CITY OFFICIALS AND DEPARTMENT HEADS

Tim Hodenfield, Aide to the Board of Public Works, addressed the Council. He said that Black and Veatch said they would be sending the final draft of the priorities report and financial reports to the printer on Monday, November 6, 1972. They estimated it would take about a week to have it printed and sent to Bloomington.

REPORTS FROM OFFICIAL
BOARDS AND COMMISSIONS

Board of Public Works

Councilman Mizell said he had a question about the force main on 10th street. He said he checked with one of the members of the Board of Public Works who is of the opinion that the force main on 10th Street is still in private hands and was not purchased by the City. He asked Mr. Hodenfield to get a copy of the contract. Councilman Mizell said that he feels that Mr. Walkenshaw's policy should be implemented and that there should be no privately owned sewers in the City. Mr. Hodenfield said he would get the contract for him. Mr. Hodenfield said that the City is also moving for the purchase of the water line in that area. He said the legal staff is working on it now.

Councilman Towell said that he wanted to thank people that helped with all of the work of the Cable TV Committee and the Housing Committee, in preparing the Cable TV resolution and the Landlord-Tenant Relationship Ordinance which are before the Council at this meeting.

REPORTS FROM STANDING
COMMITTEES

Al Towell - Cable TV
and Landlord-Tenant

The Cable TV rates resolution was prepared by the committee which consisted of Councilman Towell, Richard Fee, a member of the Board of Public Works, and Vernone Sparkes, a citizen member of the committee.

Cable TV Committee

Councilman Towell noted that under the first readings of ordinances, the Landlord-Tenant Relationship Committee will be forwarding an ordinance to the Council. Councilman Towell said he wanted to thank everyone who participated in the numerous meetings held since January; including a number of landlords, particularly in the spring, and the drafting committee: John Irvine, Fred Ball, and Ed Pinto, and the numerous members of the public who have contributed testimony and ideas that have gone into the ordinance. Councilman Towell said that the committee has had criticisms from numerous people in the community and the committee has tried to meet each of those criticisms, consider them and incorporate them into the draft.

Housing Committee -
Landlord-Tenant
Ordinance Drafting
Committee

Councilman Towell said that the ordinance, which is quite lengthy, represents an enormous amount of work. The special committee on housing thought that it would take care of that matter first and then go on to other matters and for 10 months the committee has done nothing but landlord and tenant relation subjects. Councilman Towell said he feels the ordinance is very worthwhile and also an important part of Hoosier history if we go ahead with it. Councilman Towell said he did not intend for this to be an emotional argument; he just wanted to thank everyone who has worked on the ordinance.

Councilman Towell said he is very sorry that when the landlords informed their organization that they chose to withdraw and pass a resolution in opposition to this instead of taking up particular points in the ordinance and letting their arguments against these points in the ordinance. Councilman Towell said that, as far as he can judge, there were no specific criticisms in their statement -

no specific criticisms of specific points in the ordinance. Councilman Towell said that he thereby judges that the arguments given by the landlord organization are ideological rather than dealing with substantive matters of the ordinance. Councilman Towell said this is his own personal opinion. Councilman Towell said the committee asked for input which would be from a landlord standpoint and we've had a distinguished witness, Dean Nicholas White from the Law School, trying to consider every way in which the ordinance could possibly be unfair to landlords. He gave the committee a lengthy memo which the committee took into consideration at the last meeting. Councilman Towell said he wanted to thank Dean White publicly for his service; in the absence of real input from landlords we had to have someone who would try to put himself in the landlords' shoes and be as fair as possible and give criticisms. Councilman Towell said he would just report that the committee has had extensive hearings, all kinds of citizen input, lengthy drafting sessions, and finally the committee has taken a further step of getting outside people to put themselves in the landlords' shoes and try to consider their arguments in the absence of their constructive inputs. Councilman Towell said the result, for better or for worse is Ordinance No. 72-76 which could be given a public reading tonight, it's a very long ordinance and Councilman Towell said he thought it is important to read ordinances but with such a lengthy one it might be better to distribute it around the community.

None.

REPORTS FROM SPECIAL
COMMITTEES

MESSAGES FROM COUNCILMEN

Sherwin Mizell
Planning Commission
Zoning Ordinance

Councilman Mizell made an announcement about the proposed zoning ordinance and land use map: We have made tentative arrangements to have the first public hearing scheduled for November 27.

Councilman Mizell said he thought they would probably need more than one day for those hearings. The first hearing will be on television on channel 30, originating from studio 5, which will allow us to have telephone input from those people who choose not to come down to the public hearing - they will be able to get in touch with the plan commission and ask questions by telephone. This will continue through as many of the nights of that week that are necessary to get a full public viewing of the ordinance and the maps. Also, in anticipation of the public hearings, arrangements are being made for inserts to be carried in the local newspapers which will contain the entire ordinance so that everyone will have an opportunity to read and study the proposed ordinance before it is actually brought forward for a public hearing. The land use maps have been reduced - all of the 216 quarter sections which are under the city's jurisdiction have now been reduced to 16 reduced scale maps. These will be reproduced and made available to interested people. Councilman Mizell said the plan commission certainly wanted to make sure that the neighborhood associations, the realtors' association, the home builders' association, etc. have copies of the ordinance and the land use maps. So these will be available before the public hearing and the hearing will be the week of November 27.

Councilman Mizell said he wanted to make a comment about the construction work that has been going on along East Third Street. He said he thought the State and the contractor are to be congratulated for really doing the excellent job that they have done in that area. The most recent development is the placing of sod along the curbing of that road which makes it really a finished job; it appears almost as if no construction were done at all except that all of us know that we do now have a four-lane road there. Councilman Mizell said he thought it was an excellent job and they deserve to be commended for it.

Councilman Towell said he wanted to ask the pleasure of the Council on the hearing of the landlord-tenant relationship ordinance. He asked whether the Council would rather have a special meeting. Councilpresident Zietlow said she thought it would be advisable. Councilman Towell asked if Thursday, November 9, was an acceptable date for a special meeting for the second reading of the ordinance. Alfred Towell

Councilman Morrison asked why it was such a hurry-up affair. Councilman Towell said it was not a matter hurry-up - after ten months. Councilman Fix said that since it is being distributed throughout the City it might be better to have more than just one week.

Councilman Behen asked if it would be read in its entirety or by title only for the first reading. Councilman Morrison suggested that it be read by title only and then posted around the City.

Councilman Towell said that the Mayor has expressed a preference for the second reading of the ordinance at a regular meeting of the Council rather than a special meeting. Councilman Towell said he thought the impact this would have on the council agenda of a regular meeting should be considered.

Councilman Towell said he would like to have the opinions of the members of the Council of this question of a special meeting for the second reading.- Councilpresident Zietlow said that, as precedence, it should be noted that the Human Rights Ordinance had a special meeting for the second reading because it was so long.

Councilman Fix said he was in favor of a special meeting but he did not think one week would be enough time for people to get through 25 pages. Councilman Morrison said he did not think one weeks gives a person enough time to understand it.

Councilman Behen suggested that there be a special meeting after the next regularly scheduled Council meeting. Grace Johnson noted that that particular Thursday is Thanksgiving. Councilman Davis said that Thursday, November 9 would be bad for him but that he did not have any strong feelings one way or the other as to whether there should be a special meeting. Councilman Behen said he assumed the Council had agreed that it should be a special meeting and it was just a matter of finding an agreeable date.

Amy Mann reported that the days that the Council Chambers were free are November 15 and November 22. She noted that the Chambers are the best location if the meeting is to be taped. November 15 is a Wednesday - Councilman Fix said he was not available on Wednesday evenings; November 22 is the day before Thanksgiving when people may be out of town. The following weeks is the week the zoning ordinance hearing is scheduled.

Councilman Mizell noted that the only items other than the Landlord-tenant ordinance which would be scheduled for second reading would be three annexation ordinances. He noted that these have not, in the past, taken much time.

Councilpresident Zietlow said that it looked to her as if the best meeting would be the next regularly scheduled meeting of the Council on November 16, 1972. She said the agenda should be considered very carefully for that meeting. Councilman Fix said there should be an attempt to keep the agenda light. Councilpresident Zietlow announced that the second reading of Ordinance No. 72-76 will be at the regular meeting on November 16, 1972 and there will be a conscientious attempt to keep the agenda very light.

Councilman Morrison moved that Resolution No. 72-64 be introduced and read by the Clerk. Councilman Towell seconded the motion. Resolution No. 72-64 The motion was carried by a unanimous voice vote. RESOLUTIONS Transfer of funds

Grace Johnson read Resolution No. 72-64.

Councilman Morrison moved that Resolution NO. 72-64 be adopted. Councilman Mizell seconded the motion.

Councilman Mizell asked what the repairs were that will require \$6,000.00. Jim Wray said that the line item for fleet maintenance was under budgeted for 1972, by \$6,000 to \$8,000. Mr. Wray said he had put a realistic amount in next year's budget.

The question was called.

RESOLUTION No. 72-64 WAS APPROVED UNANIMOUSLY.
ROLL CALL VOTE: Ayes 8, Nays 0.

Councilman Morrison moved that Resolution No. 72-65 be introduced and read by the Clerk. Councilman Towell seconded the motion and the motion was carried by a unanimous voice vote. Resolution NO. 72-65 Cable TV Rates

Grace Johnson read Resolution NO. 72-65.

Councilman Towell moved that Resolution No. 72-65 be approved. Councilman Morrison seconded the motion.

Councilman Towell said that the Board of Public Works recommended that, provided the conditions of a letter from the company were satisfied, that the things in the resolution would be recommended and approved by the City. On consultation with the Corporate Counsel for the City of Bloomington, Mr. Vernone Sparkes, a member of the joint committee, we have the recommendation of the legal department that all of this be put in the form of a contract, so that in this resolution a contract is mentioned. I take it this will be somewhat of a revelation to the company, although at the hearing a draft of this contract was read and presented. The provisions of the contract are basically that the franchise would be amended to raise the amount given to the City from 3% to 4%. The company offered a very generous \$5,000 for the first year and succeeding years which would be more than 4% in most years that we can foresee in the future. Councilman Towell said he thought they were basically in agreement with this provision which was discussed with them and negotiated with them. The second provision of the contract is that the company shall immediately upon receiving FCC permission for carriage of WGN in Chicago notify the FCC that by mutual consent, the City and the company are amending the franchise, concerning this 3 and 4 per cent; that at least 25% of all monies received by the City from the company as franchise fee by designation of City ordinance go directly into the Cable Television trust fund to be used solely for the purposes of facilitating the use of Cable T.V. in Bloomington in the best public interest of the community and be controlled by the Bloomington telecommunications Council, such Council being approved by the Mayor of the City with the concurrence of the majority of the Common Council. The above amendment shall become effective with the passage of the ordinance to that effect and failure of the amendment for whatever reason will result in cancellation of the rate increases. I think

that in substance all of these things were agreed upon; the difference is the form which the city's legal department is recommending.

Councilman Towell said that he personally believes and hopes that there is no difference of opinion about this; he said he would request anyone who has other information to testify to that at this time.

Mr. Register addressed the Council: as I listened to the resolution introduced, I think it is self-explanatory; Mr. Sparkes did call at my office and discuss this in detail and I told him that it seemed - he suggested - that it would not be a good thing at this point for the city to intervene in the now-pending application before the FCC if that would delay the processing of that application. In lieu of that a resolution might be passed and a different contract entered into agreeing to this increase if these other agreements in the contract that were set up in the resolution were complied with. My opinion was that that was an effective way to get after this. What would happen if the cable people did not comply with what was suggested in this resolution is that it would simply result in a violation by them of the contract for the increase; it would seem to me this would be without intervening in the pending application before the FCC.

Councilman Towell said that as he remembered there were other things in the letter - that the company promised to extend service throughout Bloomington to people who wanted it and other things, and a guarantee of a certain quality of service. The important point was the contingency of the rate increase upon additional service and upon the funding of a committee which would be set up to aid community participation in the communications media provided by cable T.V.

Councilman Towell said that while it was a surprise to him and he thought to the Board of Public Works he did not see any change except in form.

Mr. Shively, a representative of Monroe All-Channel, addressed the Council: the contractual agreement that has just been mentioned is a surprise to us; we had not been aware although we had discussed many of the points that seem to be now put into contract form. We're not totally unaccustomed to surprises but we would have appreciated it if we would have had time to check with our counsel too. As we represented to the Board of Public Works and to the City Counsel on several occasions, our main efforts are toward getting additional service, principally WGN. The FCC rules which became effective in March of this year require application for a certificate of compliance which was timely filed by Monroe All-Channel and which has been opposed by Indianapolis television stations. Any alteration in our application would, in our attorney's opinion, further delay the processing; we have been in Washington within three times within the last six weeks, pressing for this so that we can provide this additional service. We have informed both the Board of Public Works and the CATV Committee that we thought it would be a major deterrent to the rapid acquisition of new service to in any way alter a franchising arrangement or enter into any new contract because that would be a form of an amendment. So this comes as a real surprise and I don't believe that it is in the best interests of either the City or Monroe All-Channel and certainly in the interest of getting additional service to the citizens of entering into a new contract. We have done everything, to the best of my knowledge, that the CATV Committee requested, we even have, as Councilman Towell has pointed out, been more than generous in offering in excess of the money that was requested to fund this committee, the telecommunications council. One other point that is raised in my mind is that I don't believe that Monroe All-Channel is a party or should be considered a party to whatever is between the City of Bloomington and the telecommunications council. I don't see how we could enter into a contract that would say the City of Bloomington would pay 25% of what we give the City to the telecommunications council. I don't think that is really any of our concern.

Mr. Vernone Sparkes addressed the Council: I think the record does need to be corrected on a number of points. First of all, the contract that we have introduced is not all that much of a surprise to the company - in our last committee meeting it was generally agreed that this kind of a maneuver would be very acceptable all around and that, furthermore, the company themselves would produce a draft contract. They failed to do this at the meeting with the Board of Public Works where the rate schedule was acted upon and in lieu of this failure we have taken the move ourselves. The letter itself I suppose can be considered a type of contract but we did not think - and expressed at that time, that it was totally sufficient to the ends we were concerned with. With the point of the WGN we feel that we have played quite fair and nicely with the City and the Company in being sensitive to the point that the WGN certificate would be interfered with and we have separated the actions. It was precisely to facilitate these double actions that we went to the contract arrangement. I might point out too, by the company's own admission, the letter containing the \$5,000 offer is in itself equivalent to a type of change in the relationship between the city and the company and therefore not really all that much less of a problem than the contract we're proposing which in some ways is less of a problem itself. Because the point that I've been trying to make is that \$5,000, while a lovely sum could raise more problems with the FCC than the 1% increase which we have asked for. We have consulted with the FCC in conjunction with their rules which state, in effect, that 3% of subscriber revenues is maximum desirable franchise fee unless it can be demonstrated that an increase beyond that would be to the benefit of telecommunications cable operations in a community. We are requesting an additional 1% and we could have gone up to 5% by FCC rules; we saw no need for that - we don't know exactly what services will develop and we think that this is a minimal and workable suggestion. I would also like to correct the statement with regard to the 25% - I keep trying to tell the company that we put this in for their protection and this hasn't somehow sunk home. We want to guarantee to the company that this money will be used for the company's advantage, as well as the City's. We want this money protected so that it is pumped back into cable television and not just put into the general fund of the City or shuffled off into some other point for patchwork in some other area of city operations. We want the company's interest protected. We would like to see this money guaranteed in a manner that would put it back into the company, albeit in somebody else's control.

Councilman Behen spoke to the resolution: We've been offered a resolution here that most of us can interpret as to what it is and all of a sudden we're exposed to conversation on contracts that many of us have no knowledge of. These are all totally different from what we are being asked to pass a resolution on, we couldn't possibly have background knowledge on this. The way this is written it looks as if Monroe All-Channel Cablevision is asking for an increase in their rates. And now conversation has come forward to bring us abreast of contracts that many of us aren't even aware of.

Councilman Morrison said that if you look at the resolution it is a bit deceiving in the way it is written to the general consumer. Number one, it says initial installation \$15, primary service \$5, and now secondary installation is something I don't think that the average consumer would understand what this really is. And in good plain language what this really is is hooking up the second T.V. set. They are charging \$5 labor and \$1 per month for the service so that actually if you have two T.V. sets, the primary installation would be \$20.

Councilman Towell said that the Company has never charged installation and they might someday and it is perfectly within their power to do so. The committee considered where extra charges should go and they thought in some ways a sliding scale would be worthwhile. That is, that a lot of people depend on their T.V. for news and awareness of the community, included are people that can't pay very well for such services. The proposal which was initially made by Dick Fee and agreed to by the company was that the additional services would be heavier than the initial.

Mr. Shively said he thought maybe the record should be corrected that the \$15 is not an increase - the \$15 is what is in the original franchise and the company in order to get the most revenue for the company and the city by means of getting more subscribers has chosen not to charge it, which is somewhat normal in the industry. The increase that we are requesting is in the secondary connection for both video and F.M.

In response to a question from Councilpresident Zietlow, Mr. Shively said that the increase is from 50¢ to \$1.00 on the secondary connection for video (for a television); I don't believe there was any FM secondary connection at all so that would be from zero to one. There is no increase in the amount of money that the company would have the right to charge if it so chose for installation. I would like to respond to Mr. Sparkes: we did not understand that the letter that we sent was not sufficient for the purposes of the telecommunications committee or the CATV committee. Our counsel in Washington told us and helped us draft the letter, so that it would be acceptable to the FCC and would not be a so-called amendment to the franchise which would have to be timely filed with them and then would interfere with the processing of the application. The same thing was the case with the \$5,000 and that was worded by our counsel so that it would not result in a modification. It is a rather touchy point and we have consulted our counsel in every case in order that we could bring the service in as promptly as possible. Again, I would like to say that, as far as the 25% goes, we have encouraged the CATV committee - we want to see the access channels used - in our last public meeting, there were maybe half a dozen people there that said that they would use them and we have attempted to get the channels used in the past and we welcome this kind of help - that is why we are willing to come up with this kind of money to see that the channels are used. But I take the position that we can't enter into an agreement on the City spends its money even though it may be for our benefit. The other thing is that we've appeared before the Board of Public Works on several occasions in public meetings and before the CATV committee; we thought that the requests that they had made had been answered by us and we are surprised that a contract form is now mentioned in this hearing. We thought the resolution is one thing; to me, the contract now makes it a whole new ballgame.

Councilman Towell said he thought it should be clarified that substance has not been altered and that form is what is being discussed. And that the contract is what the company's objection is.

Mr. Shively said the problem has always been what would happen to our application, in order to get additional service and promptly and we were taking the advice of our attorney on language for letters that were written to both the Board of Public Works and the CATV committee. We thought general agreement had been reached and therefore are surprised today that we are now back to a contractual form, or a request for same.

Councilman Towell said that this supports what he has been saying; we are in substantial agreement on every point, except whether a contract will affect the application or not and whether a contract should be required by the City. It is a new development that we have been advised this week by our corporate counsel that a contract would be desirable. I think that originally in our discussions the main point was that a contingency agreement of some kind would not interfere, we hoped, with the company's application and that kind of wording is in the contract. This seems to be a legal matter which there is no possibility of our resolving tonight.

Councilpresident Zietlow asked if there was discussion at the time of the Board of Public Works meeting as to whether or not the contract would affect the application. Councilman Towell said they understood that the company was going to Washington to speak with their counsel and come back with some kind of agreement that would be something which we could pass, that would make these provisions possible and at the same time not interfere with their application. It seemed to me in the discussion that it took us

some time to get them to bring out the letter which they introduced then. They seemed somewhat reluctant to put this in a form which was written and signed by parties and so on. That there would be this attitude toward a contract is very surprising to me.

Mr. Shively said that they were requested to write a letter, they did go to Washington, they wrote the letter, they had it with them at the meeting and they presented at the time they thought it was requested. Mr. Shively said they would have been glad to send it out in advance.

Councilman Fix said, "I am becoming more confused here as to why we are actually having this resolution."

Councilpresident Zietlow said that the resolution was necessary for the rate increase to go into effect.

In response to a question from Councilman Fix, Mr. Shively said that it would be to the company's advantage to have the resolution passed at this time with respect to the rate increases for secondary services. Mr. Shively said that the last paragraph of the resolution: the part stating that approval shall be contingent upon the mutual signing of a recommended contract by the City of Bloomington and the company - Mr. Shively said that this is the section that would require legal advice on before they could agree to it. He said that that is the part that might put the possibility of getting the Chicago signal months behind.

Councilman Fix asked Mr. Shively if the detrimental effect of the delay in getting the Chicago signal would be offset by the benefit of not having the rate increase on the secondary service. Councilman Fix said he wanted to know if Monroe All-Channel would be willing to forgoe the increase for awhile and if they recommended that the resolution be voted on at this time.

Mr. Shively said: "My answer to your question is Monroe All-Channel in terms of its existing valid franchise made a request for a rate increase and the terms of the franchise say that the rate increase may not be unreasonably withheld. This has been going on in a matter of negotiations for a number of months now and what we want to request is that the Board of Public Works recommendation, which I understand is in the form of a two step rate increase - with the secondary increase now and the increase in the primary rate at such time as the WGN signal is available - be adopted.

Councilman Fix asked if this could be done as a separate contract between cable television and the City without being a part of the resolution. Mr. Register said that it was his opinion that a separate contract between cableTV and the City of Bloomington would be independent of the application. Mr. Register said that he strongly recommended to Mr. Sparkes that the City certainly not intervene with the present application because that would slow down action on the application.

Mr. Shively said that, in FCC practice, we are required to file with FCC any franchise or contracts and if there were a new contract in existence we would have to file that and make it part of the record in our case number for our certificate of compliance and that would put it back in the processing line. He said that it would constitute an amendment to the application. Mr. Register said that it was his opinion that a separate contract would be an independent matter, outside of the scope of the application.

Vernone Sparkes said that he thought it should be brought out that the committee was not calling for the amendment per se but a promise by the company to pursue the amendment, so that the actual amendment with the franchise is pursued with the FCC after WGN is received. It would be a mutual agreement between the City and the company that "yes, we will go after this additional amendment after WGN comes through, we won't do it now because we don't want to interfere with WGN."

Mr. Shively said that exact point was posed to their counsel who said that the very signing of the contract to pursue must be filed with the FCC and that would affect the processing.

Vernone Sparkes asked why it is that the letter, similarly, isn't a contract. He said the problem with the letter is that it has no binding aspect to it. He said that he thought that if the contract would have to be filed with FCC, the letter should also be filed.

Councilman Towell said that we are required to agree to a rate increase; I think the committee agreed that at this time, the rates of the cities we have to look at for comparison - their average - we were not required to have a rate increase. But we were predicating the rate increase upon additional services of the kind which are specified here which we thought would be better for the community and would be worth it.

Mr. Shively said "There are two distinct situations in the rate increase - one on the secondary service and, I think, Mr. Towell, you will admit that we are eminently entitled to that immediately. And all we are asking for prior to the new service is the secondary rate increase which we are entitled to. Our request is less than the average currently on secondary services in the other markets named in the original franchise. And we are asking for the primary rate increase only at such time as we are able with FCC consent to provide additional service." Councilman Towell said that is exactly what we are willing to agree to.

Mr. Shively suggested that the Council at this meeting approve the requested rate increases in the secondary service and Monroe All-Channel would pursue its application for service of WGN. He said that at such time as the WGN signal is brought to Bloomington, Monroe All-Channel would come back and ask for a primary rate increase.

Councilman Fix said that he would prefer to have the anticipated future even occur and then vote on the primary rate increase, rather than act on the resolution as worded, in anticipation of future changes in the service provided.

Councilman Towell said that the impasse about the application seemed to be broken in the negotiations when someone mentioned a contingency agreement and that is what both of these purport to be; contingency agreements contingent upon certain things happening, then other things will be required of the parties, etc. Councilman Towell said he thought further legal advice was needed and he would move to table the resolution until the matter can be resolved.

Mr. Shively said that under the terms of the existing valid franchise, Monroe All-Channel is entitled to a rate increase on secondary services and of that there has been no dispute. That is what we are asking for at this time. We will defer action on any primary rate increase until a later date.

Mr. Hodenfield said " as I understand it, Monroe All-Channel is asking the Council to amend the resolution and strike the primary service of \$5.50 per month and strike the whereas clause about primary service rates and the next paragraphs. It would seem to me when the importation of WGN is finalized that the Cable vision would come back to the board of works and would come back to the council and ask for a rate increase then of \$5.50 and at that time we can then institute the contract that we are asking for and then, perhaps, would be the best time to ask for a three to four per cent increase rather than the \$5,000 figure and that is the time when we could work all of these things out.

Mr. Hodenfield reported that since 1966 the City has received \$24,000 from Cablevision.

Councilman Ackerman moved that Resolution NO. 72-65 be amended by striking the third and fourth "whereas clauses", putting a

period after "All Channel Cablevision, Inc." in the Hereby clause and deleting the rest of the Hereby clauses.

Vernone Sparkes said: the suggestion by Mr. Shively strikes me as being eminently reasonable that the secondary rate services do be granted and that the whole matter of the primary rate increase plus the connecting contingency of the franchise amendment be postponed until post-WGN.

Councilman Towell seconded the motion made by Councilman Ackerman.

Fred Robbins asked when the resolution was completed. Councilpresident Zietlow said that it was completed on Tuesday and was available on Wednesday.

Fred Robbins said: It would appear that the company should have at least been informed of the hereby paragraph. He said that at the Board of Public Works meeting, the question was not put in the same way and he wondered why the company was not consultaed about the exact wording.

Councilman Towell said that a contract was in existence at the public hearing and was shown to people at that time. He said that at that time they were without such legal advice so they went with the letter.

Councilman Towell said that some resolution would have had to be introduced and no resolution was in existence at the time. He said that he thought that if there had been no disagreement about the contract the wording of the resolution would not have been in dispute either.

Mr. hodenfield said he wanted to clarify that the Council is approving the secondary service on television to \$1.00 per month, secondary installation, also the FM service increases from zero to \$1.00 and FM installation increase from \$1.50 to \$5.00.

The motion to amend the resolution was CARRIED BY A UNANIMOUS VOICE VOTE.

In response to a question from the audience, Mr. Vernone Sparkes explained that the present franchise fee is 3% of gross subscribers revenues and we're requesting a 1% raise to 4% but the company offered instead the figure of \$5,000 instead of the 1%.

Councilman Morrison moved that resolution No. 72-65 be adopted as amended. Councilman Mizell seconded the motion. RESOLUTION No. 72-65 WAS ADOPTED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

(Richard Behen left the meeting at this break in the business).

Councilman Ackerman moved that Resolution No. 72-66 be placed on the agenda and considered at this time. The motion was seconded by Councilman Mizell.

Resolution NO. 72-66
Budget Transfers

Councilman Towell asked why it is necessary to include this on the agenda at this time. Mr. Wray explained that UMTA called from Washington and said that the City is very close on the technical study and they wanted some confirmation of the status of the city's share, preferably by telegram as soon as possible. Mr. Wray said that the call from UMTA was one of urgency and that he felt that this night was the night that it should be done if at all possible.

The Motion was carried by a unanimous voice vote.

Councilman Morrison moved that Resolution NO. 72-66 be introduced and read by the Clerk. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Grace Johnson read Resolution NO. 72-66.

Councilman Morrison moved that Resolution No. 72-66 be adopted. Councilman Mizell seconded the motion.

Jim Wray explained that the City began work on mass transit through UMTA in the Department of Transportation, last May, for a technical study in preparation for asking for a capital grant for about one quarter of a million dollars for a mass transit system. In the last two days I have been informed that our application is in the final stages. The Board of Works and The Council did pass resolutions stating that they would like to have such a study done in Bloomington but in one of the whereas clauses we indicated we were willing to make the financial commitment including provision provisions for the local share project costs but didn't put a dollar value in. So tonight after some work with Bill Black at the University who we hope to enter into a third party contract with within the next week or so, to do this study, we now need to fund it and we need to indicate to UMTA that we do have the funds in our budget and available for this study which will be starting January 1 and continue for 3 to about 6 months. The only change I would recommend that be made is that since we are going to be doing it with Indiana University - it will cost \$30,000 but \$5100 of the local share will be in-kind contribution in the form of services from myself and people within my department and within the planning department. So instead of \$10,000 on the resolution, I would like to amend that to read \$4900 and we'll still constitute the \$10,000 local share. This is at Mr. Black's recommendation and in fact the whole budget approximation should be pretty accurate by this stage. They are ready to move very quickly and they wanted a telegram today - I'll send a telegram first thing in the morning. Mr. Hodenfield has consulted with members of the Board of Public Works and they have agreed to this transfer and will act formally on it at the next meeting Monday, November 6, 1972.

In response to a question from Councilman Davis, Mr. Wray said the money is coming from the insurance line item of the Board of Public Works budget. Mr. Wray said that as he understood there was a surplus in this account because utilities is paying the insurance on their vehicles this year. The total cost is \$30,000 on a 2/3 federal and 1/3 local share.

Councilman Mizell moved that Resolution NO. 72-66 be amended to read \$4,900 instead of \$10,000 in both instances. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Towell said that he, for one, believes that we need mass transportation in Bloomington.

In response to a question from Council president Zietlow, Mr. Wray said that the technical study will take approximately 6 months.

Councilman Morrison moved that Resolution No. 72-66 be adopted as amended. Councilman Ackerman seconded the motion.

The question was called.

RESOLUTION No. 72-66 WAS ADOPTED BY A ROLL CALL VOTE OF Ayes 7, Nays 0.

Nov 2, 1972

Councilman Morrison moved that Ordinance No. 72-68 be advanced to second reading and read by the Clerk by title only. The motion was seconded by Councilman Mizell and carried by a unanimous voice vote.

ORDINANCES - SECOND READING

No. 72-68
Annexation Fee Lane

Grace Johnson read Ordinance No. 72-68 by title only.

Councilman Towell moved that Ordinance No. 72-68 be amended by substituting the amended version before the Council tonight. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Grace Johnson read the revised Ordinance No. 72-68.

Councilman Morrison moved that Ordinance No. 72-68 be adopted as amended. The motion was seconded by Councilman Mizell.

Mr. Owens explained that this is a voluntary annexation of a property at 1606 North Fee Lane.

The question was called.

Ordinance No. 72-68, as amended, was adopted by a ROLL CALL VOTE OF Ayes 7, Nays 0

Councilman Towell moved that Ordinance No. 72-73 be advanced to second reading and read by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

No. 72-73 - Human Rights Amendments

Grace Johnson read Ordinance NO. 72-73 by title only.

Councilman Morrison moved that Ordinance NO. 72-73 be adopted. Councilman Towell seconded the motion.

Councilman Towell moved that Ordinance No. 72-73 be amended in the following manner:

"The sentence beginning on line 19 and ending on line 22 of section 4(f) should read as follows: 'Whenever such Commissioner is named for the purpose of reviewing a request for reconsideration by the Complainant, said Commissioner shall be disqualified from any further participation in that case, except as a witness at a public hearing on the complaint.'" Councilman Morrison seconded the motion. THE MOTION WAS CARRIED BY A UNANIMOUS VOICE VOTE.

Councilman Morrison moved that Ordinance No. 72-73 be adopted as amended. Councilman Towell seconded the motion.

Bruce Wacowski, Human Rights Attorney and Equal Employment Officer, addressed the Council. He explained that the proposed ordinance no. 72-73 was intended to correct various clerical imperfections in the human rights ordinance previously adopted. He said that he added a proviso that gives the commission jurisdiction of complaints which are filed only with the equal opportunity commission or the Indiana Civil Rights Commission or both; he said the commission does refer complaints to the state civil rights commission and, they have told him that are going to, as a matter of policy, refer complaints within Bloomington's jurisdiction to the city commission. He said the proviso would ensure that complaints are not lost because of the 90 day limitation of the ordinance; a problem could

come up with the various referrals through the different agencies. Mr. Wacowski said that other changes clarified the question of who would be qualified to hear different complaints. Mr. Wacowski presented the following memorandum to the Council, noting the various changes involved:

Memo to: Common Council Members
 From: Bruce Wacowski, EEO and Human Rights Attorney.
 Concerning: The Ordinance to amend the Human Rights Ordinance,
 No. 72-15

In section 2(d) the definition word "complainant" is incorrectly spelled, and thus in conflict with the word as it appears throughout the remainder of the Ordinance.

In section 2(h), the category of "race" was inadvertently omitted in lines 14 and 16 on page 3. Also to be consistent with established civil rights legislation, the proviso on bona fide occupational qualifications should be inserted here, rather than misleadingly under the definition term, "sex". That is why this language is now being omitted in section 2(r).

In sections 2(j), (k), and (m), the quotation marks omitted should encircle the definition words, "employer", "employee", and "labor organization" respectively.

In sections 4(e), a proviso has been added which is similar to that in the 1964 Civil Rights Act, in that the Commission now would not lose jurisdiction over a complaint exceeding the 90 day time limit just because of a complainant's initial reluctance to see us for whatever reason.

The small re-wordings and insertions in section 4(f) are intended to clear up procedural confusion and plainly reflect the fact that a Commissioner who has investigated a complaint or participated in an attempted conciliation can not take part in a final decision, and the fact that a hearing date is set prior to the mandatory attempted conciliation.

In section 4(h) the only change has been the lowering of 15 days to 10 days, so as to conform with the Indiana Rules of Civil Procedure, Trial Rule 65(b), which controls in this instance.

Finally the phrase "but not limited to" has been inserted in section 5(a), to do away with the negative implication that methods not specifically mentioned in that section are forever barred from affirmative action programs. Such an implication could put a damper on our legal creativity to deal with unique situations.

There was no discussion from the floor.

The question was called.

ORDINANCE NO. 72-73 WAS ADOPTED BY A ROLL CALL VOTE OF
 AYES 7, NAYS 0.

Councilman Towell moved that Ordinance
 No. 72-75 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.

No. 72-75
 Bicycle Regulations

Grace Johnson, City Clerk, read Ordinance
 No. 72-75 by title only.

Councilman Morrison moved that Ordinance
 No. 72-75 be adopted. Councilman Towell
 seconded the motion.

Councilman Davis said that this revision of the present bicycle ordinance comes out of a very careful series of meetings, meetings at which very careful work was done on the present section of the Municipal code to update that and there are not a lot of substantial changes in this. There are a few. - It is much cleaner than the present ordinance which, for instance, is aimed mainly at kids, where the penalty clause in the present ordinance provides primarily for the confiscation of the vehicle for 30 days and we felt that was an inappropriate kind of penalty to be levied at the kind of bicycle riders that do predominate in Bloomington. There are a few things that have

been made more useful - for instance, the old ordinance required bicycles to stay on the righthand side of the road; this ordinance requires a bicycle to stay on the side of the road, recognizing that a bicycle might be riding down the left side of a one way street appropriately. It does require lights, it requires bicycles to obey traffic laws, as the older ordinance does. There are some slight changes in the requirements for lights and how they are to be attached to the bicycle but nothing substantial. It does change the registration procedure - in the present ordinance we have a two year registration period for which we charge twenty cents; we have changed this to a one year period that runs from September one to September one. Our object is to make it a uniform registration both on campus and in town and the academic year runs from september to september rather than from January to January. so, by next september we do intend to have instituted a uniform registration procedure whereby you will get the same decal whether you register your bike with the City or on campus. We felt that this is crucial to do this. In the penalty clause section, there are really two penalty clauses: anytime that a bicycle is being operated on a roadway it is subject to the same laws that a car is subject to, therefore, if a person is arrested for going the wrong way on a oneway street, he is in violation of the moving vehicle code; there are a number of things in the ordinance which are not covered by that - like if you park your bicycle in such a way that you impede the flow of pedestrian traffic it is not a moving vehicle violation but you are in violation of this ordinance - we have done that so that it is a \$2.00 fine for the first infraction within twelve months and five dollars for any subsequent infractions within a twelve month period. That is the penalty clause that is in this ordinance.

Councilman Davis added that the old ordinance did have the requirement of a bell; our feeling was that very few people did this - the use of the bell is mainly to warn pedestrian traffic and the feeling was that most people used their voice for that and therefore there is not any useful requirement for a sound-making device like a bell or a horn on a bicycle. He said that the committee did discuss the question of a bell and decided that they would not make it a requirement because most people do use their voice. Councilman Davis said that for warning an automobile, neither a voice or a bell is effective.

Councilman Davis added that the one thing that is not enforced as much as he would like to see it enforced is the requirement for a light at night and we do intend to encourage the police to arrest people for the improper operation of a moving vehicle when they operate without a light.

Councilman Mizell said that, in reference to the light, he would like to have a phrase inserted into section 15.52.140; the second line which says "shall be equipped with a lamp..." I would like to add "at the front" and then continue "which shall emit a white light and with". Councilman Davis said he had no complaint with that.

Councilman Mizell moved that the ordinance be amended to insert the words "at the front" between the words "lamp" and "which" in the second line of section 15.52.140 so that the line would read: "shall be equipped with a lamp at the front which shall emit a white line and with". Councilman Towell seconded the motion.

The amendment to section 15.52.140 was approved by a unanimous voice vote.

Councilman Towell said that he wanted to stress that he thought it was very important to have a light on bicycles; his perspective is that of an automobile driver - he has been driving at night when bicyclists have been in the same street, without lights and he has not always been able to see where they are once they leave the light of the street lamps.

Councilman Davis moved that section 15.52.140 be amended by reversing the order of the terms "bicycle" and "bicycle rider"

in the first line of the section so that the first line reads: "Every bicycle rider and or bicycle when in use at nighttime..." Councilman Ackerman seconded the motion.
THE MOTION WAS CARRIED BY A UNANIMOUS VOICE VOTE.

A member of the audience said that section 15.52.150 should be clarified to specify rear brakes. Councilman Davis said that the committee did consider this question carefully and his concern was with the standard kind of hand brakes that might not permit the bicycle to skid. He said that the feelings of bicycle shop owners was that it would be possible to skid with hand brakes. He said the committee did not come up with the concern that the rear wheel only be specified and he was not sure they would have thought it necessary.

The person in the audience said that he thought it should specify the rear wheel for safety reasons.

Councilman Towell asked how the language concerning the skidding on level, dry pavement would be effective. He thought maybe it could be in a set of suggestions for people who want to make sure their bicycles are safe. Councilman Davis said that, theoretically, as they register their bike each year, the bike is not inspected but they would be given a set of requirements which the bike should meet and this would be included in them.

Councilman Towell suggested that the phrase "safe brakes" might be sufficient. Councilman Davis said that it was the feeling of the committee that "safe brakes" was too general.

Councilman Davis said he thought the ordinance could be interpreted that if there is a brake on a wheel that wheel has to be able to skid. He said that he thought that anyone operating a bicycle with only a front brake is ill-advised.

Councilman Davis said he thought the way it was worded could mean that both wheels have to have brakes.

Councilman Mizell moved that section 15.52.150 be amended by changing the phrase "brake wheel" to "rear wheel". Councilman Ackerman seconded the motion.

Councilman Davis said that he would prefer to make the first "brake" plural and to change "brake wheel" to "brake wheels".

Councilman Ackerman objected that this would make bikes with a brake on only one wheel illegal. Councilman Davis said this would not be the case, as the criteria of a brake applies only to "brake wheels" - not to non-brake wheels.

Councilman Mizell withdrew his amendment.
Councilman Ackerman withdrew his second.

Councilman Davis moved that Ordinance NO. 72-75 be amended by changing Section 15.52.150 to read "Every bicycle shall be equipped with brakes which will enable the operator to make the brake wheels skid on dry, level, clean pavement."
Councilman Ackerman seconded the motion.

In response to a question from the audience, Councilman Davis said he was concerned with brakes on the front and rear or on the rear. Councilpresident Zietlow said that this wording meant that, in any case, the rear wheel would be included in the brake wheels.

The question was called.
The motion was carried by a unanimous voice vote.

Dave Condor addressed the Council. He said he had questions about the number of riders permitted on a bicycle. He said he has a carrier on the back of his bicycle and wondered if he would legally be able to ride a passenger on this carrier under the proposed ordinance, section 15.52.050.

Chief Chambers said that he understood that, according to state law, a seat and feet supports have to be provided for each passenger on a bicycle.

Councilman Davis said that a bicycle with one seat is considered to be equipped for one person.

Grace Johnson explained that the state statute does require a place for each passenger to put his or her feet, in addition to a seat.

Councilpresident Zietlow pointed out that children's carriers do have bars for the feet.

A question was raised by a member of the audience concerning separate lanes for bicycles - section 15.52.080. Councilman Davis said that this was not intended to impede a bicyclist in crossing the street - obviously if you have to cross the street, you have to cross it. He said the concern of the committee was, to the extent possible, to separate bicycle traffic from pedestrian and automobile traffic.

Councilpresident Zietlow noted that separate bicycle paths is presently a hope rather than a reality.

Grace Johnson, City Clerk said she wanted to clarify the fact that most of the provisions of the ordinance are covered under state statute and people are presently being ticketed for bicycle violations under the state statute. The fine for the first offense has been \$10.00 and she said she thought it would probably remain that; for the second offense, it is \$29.00. She said that the \$2.00 and \$5.00 fines in the ordinance would be in addition to the \$10.00 court costs so that the two and five dollar fines would actually be \$12.00 and \$15.00 fines.

In response to a question from Councilman Davis, Mrs. Johnson said that even if a trial is not required, the court costs would have to be paid. She said she did not know what the procedure was for parking tickets but that all traffic violations entail the payment of court costs whether there is a trial or not.

Councilman Davis said that the committee was thinking that the bicycle citations would be similar to parking tickets.

In response to a question from Councilpresident Zietlow, Councilman Davis said that not many decals have been sold. Councilman Davis said that the decals presently being sold will expire in January and we would be allowing those to remain in force until next september at which time we will have a uniform registration sticker. Councilman Davis said that the cost of the license is not yet specified. He said that he expected that the decals would be free on campus because they have underwritten by but the decals sold by the City would be sold for a small charge to cover costs.

In response to a question from the audience, Grace Johnson said that bicycle violations will NOT result in points on a driver's license and identification while riding a bicycle will not be mandatory.

Councilman Davis said that before citing people for failing to register their bikes, we will have a "drive" to get people to register their bikes. But, it will be a violation to have an unregistered bike, and it will be subject to a \$2.00 and then a \$5.00 fine.

Councilpresident Zietlow asked if there is any charge to the owner of a bike that has been stolen and located by the police.

Chief Chambers said there has not been.

In response to a question from Councilpresident Zietlow, Chief Chambers said that when a bicycle that has not been registered is found by the police it is very difficult for the police to locate the owner; so many bicycles are identical in physical description that the only means of identification is by the serial number. The street department has been storing bicycles and there has not been any charge to the owner who claims a bicycle.

Councilman Davis said we do hope to set up a bicycle lost and found office that will be for use by both city residents and the residents on campus so that when a bicycle is stolen they will have somewhere to go that will be a centralized registration file. And if a bike has been registered they will have a better chance of finding it. One of our problems is that for good bicycles there is a ring operating that will steal bicycles here and sell them at Ball State or Purdue or Indiana State and we are trying to set up a procedure whereby there is a bicycle finding ring that is set up to counter the bicycle stealing ring, that would at least go to nearby campuses.

In response to a question raised by Councilman Ackerman concerning section 15.520.270, Councilman Davis said that the owner of the Bike Rack and the owner of the Bicycle Mart were both on our committee which looked at this. Their feeling was that it would be a lot easier to work with them to get registration done. There will be a problem when you start considering the fact that K-mart and Sears and Wassons, Ayr Way, etc. do sell bicycles also but at least for the major outlets of bicycles they would like to cooperate with the City. Councilman Ackerman noted that the section requires that all places where bicycles are sold must have a registration facility.

Councilman Davis said that at present copies of the regulations are not being distributed when bicycles are registered but that this will be done in the future.

Councilman Davis said that a bicycles rider is to be treated as a motorist when riding the bicycle and as a pedestrian when he is walking the bicycle. He noted that pedestrians do have the right of way.

In response to a question from the audience, Councilman Davis said that licensing is presently being handled by the Controller but that it is not spelled out in the ordinance before the Council, and has to be worked out, as to where the licenses will be sold and by whom. He said it cannot simply be left in the controller's office if it is to work effectively.

Councilman Morrison moved that Ordinance NO. 72-75, as amended, be adopted. Councilman Towell seconded the motion.

ORDINANCE No. 72-75 WAS ADOPTED BY A ROLL CALL VOTE OF Ayes 7, Nays 0.

Councilpresident Charlotte Zietlow noted that the Council had already approved Appropriations Ordinance No. 72-7 at the meeting of October 19, 1972, but that this action had actually been premature as the ordinance had not been given sufficient legal advertisement. She said that the vote taken on October 19, 1972, was voided by the fact that there had not been sufficient time for legal advertisement on two dates.

Appropriations
Ordinance No. 72-7

Councilman Ackerman moved that Appropriations Ordinance No. 72-7 be introduced and placed on the agenda at this point. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Oct 26, 1972

Councilman Towell moved that Appropriations Ordinance NO. 72-7 be advanced to second reading and read by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Grace E. Johnson, City Clerk, read appropriations ordinance NO. 72-7 by title only.

Councilman Towell moved that Appropriations Ordinance NO. 72-7 be adopted. Councilman Morrison seconded the motion.

There was no discussion.

Appropriations Ordinance No. 72-7 was adopted by a ROLL CALL VOTE OF Ayes 7, Nays 0.

Councilman Towell said he wanted to thank the bicycle committee for the detail with which they considered these questions which I think are very important in our city at this time.

Councilpresident Zietlow asked Councilman Davis to take the commendation of the Council back to the committee.

Councilman Towell moved that Ordinance NO. 72-76 be introduced and read by the Clerk by title only and distributed around the City as required by ordinance. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

INTRODUCTION OF
GENERAL AND SPECIAL
ORDINANCES

72-76 - Landlord
Tenant Relationship

Grace Johnson said that anyone who wanted to have a copy of the ordinance can obtain it from the Board of Public Works and Council office in the Municipal Building between the hours of 9 and 4, at the cost of \$1.00. She said that anyone who wants to read it free can find them at the Chamber of Commerce, the Public Library, the Clerk's office in the Police Station or the Mayor's office.

Amy Mann noted that a revision sheet is available for people who have received an earlier draft of the ordinance. That is available free of charge.

Councilpresident Zietlow said that the second reading of the Ordinance 72-76 would be at the next council meeting.

Councilman Ackerman moved that Ordinance NO. 72-77 be introduced and read by the Clerk by title only and posted around the City as required by ordinance. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

72-77 - Annexation
(East Tenth Street)

Grace Johnson read Ordinance NO. 72-77 by title only.

Councilman Mizell moved that Ordinance NO. 72-78 be introduced and read by the Clerk by title only and posted around the City as required by ordinance. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

72-78 - Annexation
(20th and Lincoln)

Grace Johnson read Ordinance NO. 72-78 by title only.

Councilman Mizell moved that Ordinance NO 72-79 be introduced and read by the Clerk by title only and posted around the City as required by ordinance. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

72-79 - Annexation
(Whitehall Pike)

Grace Johnson read Ordinance NO. 72-79 by title only.

None.

REMONSTRANCES AND
OBJECTIONS FROM THOSE
AFFECTED BY PROPOSED
PUBLIC IMPROVEMENTS

NONE.

UNFINISHED AND
MISCELLANEOUS
BUSINESS

At 10:05 p.m. Councilman Towell move that the meeting be adjourned. The motion was seconded by councilman Morrison and carried by a unanimous voice vote.

The meeting was adjourned at 10:06p.m.
E.S.T.

ADJOURNMENT

Charlotte T. Zietlow
Charlotte T. Zietlow, President

ATTEST:

Amy G. Mann
Amy G. Mann, Secretary

RESOLUTION No. 72-64

November 2, 1972

BUDGET TRANSFERS

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:

PARKS & RECREATION

FROM	#56 - Premiums on Official Bonds	\$ 10.00
TO	#63 - Grants and Subsidies	\$ 10.00
FROM	#55 - Subscriptions & Dues	\$ 59.40
TO	#36 - Office Supplies	\$ 59.40
FROM	#62 - Retirement & Soc. Sec. City's Share	\$ 221.05
	#54 - Clothing Allowance	180.00
TO	#51 - Insurance	\$ 401.05
FROM	#54 - Clothing Allowance	\$ 92.92
TO	#33 - Institutional & Medical	\$ 92.92

MOTOR VEHICLE HIGHWAY FUND

FROM	#37 - Other Supplies	\$6,000.00
TO	#25 - Repairs	\$6,000.00

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

APPROVED: November 2, 1972

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

ADOPTED: November 2, 1972
Date

Resolution No. 72-65

WHEREAS Monroe All-Channel Cablevision, Inc. has petitioned the City of Bloomington for alterations in the Company's rate schedule, and

WHEREAS the City of Bloomington Board of Public Works has recommended, in accordance with the franchise between Monroe All-Channel Cablevision, Inc. and the City of Bloomington, the following rate structure:

Initial Installation	\$15.00
Primary Service	\$ 5.00 per month
Secondary Service	\$ 1.00 per month
Secondary Installation	\$ 5.00
FM Service	\$ 1.00 per month
FM Installation	\$ 5.00

HEREBY be it resolved that the Common Council of the City of Bloomington approves the rate structure increase of the Monroe All-Channel Cablevision, Inc.

Charlotte T. Zietlow
Charlotte T. Zietlow, President
Common Council

ATTEST:

Grace E. Johnson
Grace E. Johnson, City Clerk

ADOPTED: November 2, 1972

Francis X. McCloskey
Francis X. McCloskey, Mayor

RESOLUTION No. 72-66

November 2, 1972

BUDGET TRANSFERS

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 budget, to-wit:

BOARD OF WORKS

From	5	Current Charges	
	51	Insurance	\$4,900.00
To	2	Services Contractual	
	270	Urban Mass Transit Technical Study	\$4,900.00

Charlotte T. Zietlow

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

APPROVED:

Francis X. McCloskey

Francis X. McCloskey, Mayor
City of Bloomington, Indiana

ADOPTED: November 2, 1972