

In the Council Chambers of the Municipal Building, Tuesday, November 21, 1972, at 6:00 p.m., E.S.T., with Council President Charlotte T. Zietlow presiding.

SPECIAL MEETING
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

Present: James Ackerman, Richard Behen, Wayne Fix, Alfred Towell, Brian De St. Croix, Charlotte Zietlow, Sherwin Mizell, Jack Morrison. (Councilmen Mizell and Morrison arrived late.)
Absent: Hubert Davis was absent due to illness.

ROLL CALL

Martha Sims, Controller; James Regester, Corporate Counsel; Larry Owens, City Attorney; Marvard Clark, Assistant City Engineer; Grace Johnson, City Clerk; Ted Najam, Assistant to the Mayor.

CITY OFFICIALS PRESENT

About 175 people including members of the press.

OTHERS PRESENT

Ted Najam addressed the Council: The Mayor wishes to recommend Professor Edward Bair of the IU Chemistry Department to appointment to the Environmental Commission. Mr. Bair was a member of the commission earlier this year; a very active member in the area of air quality and chairman of the air quality subcommittee and very instrumental in moving along in the direction of getting an air quality grid, so to speak, of the City of Bloomington and the mayor has conferred with Mr. Bair and he has agreed to join the commission upon approval of the Council.

Appointment to
the Environmental
Commission.

Councilman De St. Croix moved that the rules be suspended to include on the agenda consideration of the appointment to the Environment Commission and consideration of the investment resolution No. 72-68. Councilman Behen seconded the motion.

SUSPENSION OF THE RULES

THE MOTION TO SUSPEND THE RULES WAS CARRIED BY A ROLL CALL VOTE OF AYES 6, Nays 0.

Councilman De St. Croix moved that the Council approve the appointment of Professor Bair to the Environmental Commission. Councilman Behen seconded the motion.

Appointment to
Environmental
Commission

THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 6, Nays 0.

Councilman De St. Croix moved that Resolution No. 72-68 be introduced and read by the Clerk. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 72-68
Investment of
Funds

Grace Johnson read Resolution No. 72-68.

Councilman De St. Croix moved that Resolution No. 72-68 be approved. Councilman Ackerman seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 6, Nays 0.

Paul Miller addressed the Council:
The Drug Commission appreciates your willingness to have one more meeting in order to deal with one more request from one of the agencies of the City. In April 1971 the previous city administration drafted the ordinance creating a drug commission; it was not until October 1971 that that commission was appointed and we were not able to really begin work until

DRUG COMMISSION
REPORT

late November - just about a year ago. In the last year we have spent many hours, both as a commission and also in terms of our staff person Clarine Riddle in trying to come to grips with how this community should respond to the drug problem and the drug pattern within Bloomington and Monroe County.

I think there have been times in this past year when we were exceedingly frustrated that we felt on occasion that the problem was beyond our capacity and beyond the capacity of the City to respond. However now that we have gone through this year of exposing ourselves and being exposed to the nature of the problem and the extent of it within the community I think in retrospect we see that this year has been beneficial to us and we think that we can recommend to you, in good conscience and with some degree of confidence, a program worth your support and endorsement and eventually to be worth the support and endorsement of the National Institute of Mental Health in Washington, D.C.

Part of the stress that we are under at this point is that in order to qualify for federal funding we must have to NIMH by December 1, 1972 our proposal with the blessings of the city fathers which is why we asked for this special meeting tonight. You may discover that there is not enough time tonight to give full justice to your consideration of the proposal and you may find that you want and indeed will require an additional meeting. I merely want to say that we will be very happy to come again and again and again until we get favorable and affirmative action on the part of the City Council. It is important that we have approval because of the December 1 deadline and because we are competing with eleven other communities within the State of Indiana who are also presently in the process of getting their proposals together and will be endeavoring to meet that December 1 deadline. We were told earlier this week by a representative of the state drug abuse office that if we don't compete at this time with the other communities there is little likelihood that if we wait to a later date, such as March 1, that it will be probably too late and in terms of having any federal support for a drug abuse program in Bloomington and Monroe County there will be very little likelihood whatsoever.

Tonight we want to make as brief as possible presentation to the Council and those here in the audience. Feel free, once we are finished our presentation to ask us questions; be as critical as you choose and create the kind of discussion you feel is necessary so that you can eventually react affirmatively.

I am going to ask first that Clarine Riddle who has been sort of our project director under the auspices of the drug commission speak to you in terms of the need--the extent of the drug problem in the community and hence the need as we see it. Then we would like to talk to you about the four facets of the kind of program which we want to undertake and propose to you and then eventually to NIMH. And following that, brief comments about the budget both within this first year and also within an eight year pattern; and then we will talk with you a little bit about letters of support from other groups within the community; the structure of the commission and how we see ourselves related to this particular thrust and then finally a request for your endorsement, by way of a resolution.

Clarine Riddle addressed the Council, speaking on the extent of the drug problem in Bloomington and Monroe County. She said that three conclusions reached by the commission were that (1) there is a great deal of experimentation with all sorts of drugs in this community due to a large extent to the youthful community, (2) the largest amount of abuse and misuse in the non alcoholic drug area is with hallucinogens, marijuana, amphetamines and barbiturates, and (3) opiate abuse is substantial and is increasing in the community. She explained that the commission sent a questionnaire to fifty different agencies in the community, to determine the extent of the need in the community.

She noted that the federal application is for non alcoholic drug abuse; alcoholic drug abuse is the major problem facing the community and the drug commission has been working in this area but the federal government makes a distinction between alcoholic and non alcoholic drug abuse. She said the term "drugs" in reference to the application means non-alcoholic drugs.

She cited findings of the drug commission report concerning the extent of the drug abuse problem in Bloomington and Monroe County.

She said the drug commission wants to have a humanistic, non-scare tactic program, they want to involve youth in the program, and they want to encourage all programs to serve the client as the main function, as opposed to institution building. The Commission wants to be consistent and clear in the discussions of drugs.

The commission is working with the Indiana State Plan which documents fifteen different types of components that a community can potentially have: detoxification, withdrawal, methadone maintenance, half-way house, walk in, free clinic, therapeutic community, coffee house, crisis center, inpatient hospital, outpatient hospital, drug information, central intake, runaway facility or professional counseling. The commission, from the information it obtained, decided that the components needed in the community are: a twenty-four hour crisis intervention center, an in-resident and an out-patient facility - a professionally oriented facility, the therapeutic community, and an administration-coordination component.

Eve Berry addressed the Council, speaking about the central administration component of the program: This will provide the administrative kinds of capacities for the total program, including coordination, planning, funding, research, program evaluation, public relations, initial patient or client contact, referral and new program development.

She said there would be a concern with education of the adult population in the community; the commission feels that the youth education is being taken care of by the schools.

She said they wanted to have a pilot project of a weekend therapeutic community which would involve children 14 to 17 years of age who are involved with drugs and other forms of self destructive behavior. In conjunction with these weekend groups, they want to have meetings with the parents and the child together. They have made provisions in the budget for one person to be handled by the Monroe County group foster home, on a per diem basis, if needed.

Paul Miller spoke to the Council on the crisis intervention and the in-resident out-patient components of the program, as the commission envisions them and plans to propose to NIMH. He said the commission is concerned about giving a greater level of professionalism and responsibility to existing programs in these areas in the community. He said there is no program in the community offering 24 hour walk-in assistance when an individual may not really need either the police or hospital attention. The commission also wants to provide a treatment, resident center for drug addicts who cannot overcome their dependency or addiction without becoming a part of a resident program. The commission envisions a center which could accommodate up to 7 persons for from 4 to 8 months.

Eve Berry then spoke to the Council on the therapeutic community which differs from the weekend therapeutic community in that it involves older age groups and is a full-time experience. The Ashram is currently handling the therapeutic community needs in Bloomington.

Clarine Riddle addressed the Council, speaking on the budgetary considerations of the proposal. She noted that drug abuse officials who have come to Bloomington from Indianapolis have been very impressed with the creative approach the drug commission has taken in drawing up the proposal and they have been very impressed with the Ashram. She said that, if funded, the money will come

to the drug commission which will then contract with various groups for the different components of the program. The drug commission will be responsible for seeing that the program is carried out as it should be.

In the first year for central administration, locally there will be a match of \$1,960.00, with a federal match of \$51,800.00. In crisis intervention, there is a \$1,111.00 local match and a federal match of \$39,359.00. On the in resident program there is a local-federal split of \$11,111.00 local (\$10,000 of which is coming from mental health - personnel), with \$77,000 plus. The therapeutic community - local match \$89,529; federal - \$147,340. This will cover the 20% local share for the first year.

Over the eight years, the first three years won't really be a problem because we will have that match guaranteed. The problem for the community will be coming in the fourth year. The first year the local match is one hundred and three. Our second year we're just requested to have 85 which we will definitely have since we have 103 for the first year. The third year it will be 112 which is just eight thousand more than what we have right now and I would think we could pull that one together in the third year. The fourth year we will have to have one hundred and eighty nine thousand and then it goes up from there. The theory behind the program is that the local community is to pick up the program in succeeding years. After the eight year period the community should be able to totally encompass the whole program.

The council would only have to make a commitment for the first year. The council would be committed to the grant for eight years but there is no requirement that the council specify at this time where the money will be coming from in future years.

She noted that there is flexibility in the program to revise it over the years if more needs to be added or some elements should be cut from the program.

Paul Miller said that the commission is now in the process of securing letters of endorsement from various sectors of the community to send along with the proposal. They will come from such groups as the youth services bureau, the mental health center, the comprehensive health planning committee, local judges, law enforcement people, the united fund, county commissioners, hospitals, alcoholics anonymous, indiana university drug commission and the monroe county community schools.

He explained that the drug commission, in this program will be working with various other agencies and groups in the community.

Paul Miller read into the record the resolution which the drug commission would like to have the Council pass. (The resolution was passed as Resolution No. 72-69 at the November 29 meeting of the Council.)

(Councilman Morrison arrived during the drug commission report.)

At the request of the Council, Grace Johnson read the following statement from the Mayor: "The proposed drug abuse plan before the Common Council is the product of much hard work. I commend the members of the Bloomington-Monroe Drug Abuse Commission for their creative thinking in putting this plan together in order that the city may apply for federal funds. The proposed program represents a significant step toward meeting this community's obligation to treat drug abuse. Because of its scope and the magnitude of the city's financial commitment required by the plan, it is important that many questions be examined in great detail before the Commission's proposal is endorsed by the Council or the Mayor. We should honor the December 1st application deadline. But the Council and I should give the proposal careful consideration in a working session with members of the Commission and its staff before a decision is made. For this reason, it is my recommendation that the Council postpone final action on this plan until we have all had a greater opportunity to fully consider and weigh its various aspects."

Councilman De St. Croix said that he would like to have a break down of what the in-kind commitments are that make up the local share of the funding.

Mr. Miller said that a large portion of the in-kind contribution would come from the Ashram in terms of food and housing for persons in the therapeutic community. He said that the state people said that for this kind of match, there has to be comparability with Howard Johnsons and when they saw the Ashram and how successful it is, they assured the drug commission that in their judgment, even with a site visit from federal officials, that it is comparable to Howard Johnsons; it is productive and profitable (from a financial standpoint). If we did not have the ashram we would be in difficulty in terms of the amount of our local contribution.

He said that the commission's expectation was that the mental health contribution would continue; that they would be using staff for one-to-one counseling and group counseling. And also for evaluation of persons coming into the programs.

Clarine Riddle said that over the eight years, the mental health role in the project is expected to increase.

In response to a question from Councilman Towell, Paul Miller discussed the various activities of the Ashram which would make up the therapeutic community.

Councilman De St. Croix moved that the Council set up a working session with the drug commission. Councilman Towell seconded the motion. THE MOTION WAS CARRIED BY A UNANIMOUS VOICE VOTE.

Council president Zietlow announced that there will be a special meeting of the Common Council on November 29, 1972, for final consideration of the Drug Commission proposal for federal funding.

(Councilman Mizell arrived at this point in the meeting.)

Councilman Towell moved that Ordinance No. 72-76 be removed from the table. Ordinance No. 72-76
Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Towell said that Robert Mann of the firm of Baker, Barnhart, Andrews, Baker and Mann wrote, on behalf of Collier and Stoner Building Company, making some suggestions for amending the ordinance. Councilman Towell said he would present the suggestions contained in the letter and if anyone wishes to amend the ordinance in the direction of these suggestions, we would offer the opportunity for them to do so. The first suggestion is that "we submit that it would not be unreasonable for a landlord to collect a damage deposit plus the last month's rent from the tenant at the time the tenant takes occupancy with the rent thereafter to be paid on the first of each month. We feel that such an amendment in this provision would protect the landlord against such an unreasonable risk without working an undue hardship upon the tenant." The kind of unreasonable risk they are talking about is where the tenant takes off without paying the last month's rent, and since there might be some damage in addition to the last month's rent being due, they make this suggestion. Councilman Towell said one idea discussed by the committee was a system whereby the last month's rent would be collected on a pro-rated basis over the previous months. Councilman Towell said that he personally did not favor either of these approaches but that if anyone did wish to so amend the ordinance, the committee had prepared language that would be appropriate.

There was extensive discussion of this point by the Council but no amendments were forthcoming.

Councilman Towell said that Robert Mann's letter also contained a proposal concerning the inspection of apartments at the beginning and end of occupancy: "Our client would suggest that its current practices work fairly well and seem to be fair. Under this system, tenants may vacate at any time and, if not during normal office hours, turn in their keys through a night depository. Once the keys are returned to the landlord, the apartment is inspected and inventoried before a new tenant is allowed in the apartment. When the new tenant arrives, he is issued a damage list in two copies and he prepared the form and returns it to the office within 24 hours. The new tenant's damage list is compared with the landlord's form and either signed and returned as prepared or an immediate inspection is made to determine the reason for any discrepancies. The form is then signed and the tenant and landlord each have a copy. At the end of the lease, if any deductions are made after the apartment is checked and inventoried as already mentioned, an itemized list is presented to the tenant with the return of the deposit check. The tenant already has a written record in the event any unjustified deductions are made or any errors made. In case of dispute or disagreement, then the landlord and tenant may negotiate based on these records."

Councilman Towell summarized this suggestion by saying that there would be one inspection of the apartment, after the old tenant leaves and before the new one moves in. The results of the inspection would be presented in two copies to the new tenant. The tenant checks and either agrees or disagrees within twenty-four hours and that would be the basis for the determination of damages at the end of the rental period.

Councilman Towell said that in his opinion this system would not work very well, that the inspection would be after the tenant had gone; if there were arguments it would be then probably too late and the tenant would be in before the old tenant could come back and dispute the claim from the inventory and that it simply would not solve the kind of problem we are trying to solve which would be to have a joint determination. If the new tenant disagreed with the inspection I have a feeling that he would be marked down as a bad risk or perhaps a trouble maker of some sort. I really don't think these inspections will take very long with the landlord and tenant working together. I am very happy to have these proposals but I think the proposals in the ordinance are better.

Councilman Ackerman asked that wording be drawn up for such an amendment.

Councilman Behen asked the legal department about the ramifications of this ordinance in the areas of the legal posture that the City of Bloomington is going to be put in by this ordinance. The mayor has referred to it in his endorsement as of a grey, legal area; he also made mention of the fact that additional inspections, inspectors and additional administrative costs would be entailed. He also mentioned that it codifies existing laws and explained that there is a minority of landlords involved in violations in the community. I would ask now for an opinion from our legal staff of what position the city of Bloomington will be in if this in fact becomes a city ordinance.

James Register said: "I am referring to the proposed ordinance No. 72-76. It is my opinion that this ordinance will alter the law of contracts from its present form by adding the obligation of all persons who own property in the city of Bloomington and who rent that property for living quarters and that it will also add to the assets or the privileges of all tenants occupying those quarters. It is further my opinion that if this ordinance is passed it will constitute by ordinance adoption of a presumption that all persons who own rental property in the city of Bloomington who rent to anyone for living quarters that they are presumed to be persons of bad conduct and bad character. It will also cause the city of Bloomington, in

effect, to be in the rental business and it will require the creation of a very large bureaucracy the cost of which I can't speculate. And it will further incite a great deal of litigation right from the outset.

Councilman Morrison said "I have two questions. Number one, in your opinion (corporate counsel) is this ordinance legal?" Mr. Regester replied: "It is not legal." Councilman Morrison went on: "Number two, is public law 250 broad enough to cover this ordinance?" Mr. Regester replied: "It doesn't cover it and the very small phrase constitutes an exception has never been determined to cover it and the law to which you refer was never intended to alter civil rights between parties and, as a matter of fact, the first part of that statute so indicated specifically that it will not be permitted to be applied so as to alter civil rights between parties. The exception would apply only to the police power, and it would not be broad enough to cover rights between parties. It wouldn't permit, in effect, the repealing of all of the contract law that now exists and has existed for hundreds of years."

Councilman Fix asked: "If this ordinance is passed and it is contested, who will defend for the city?" Mr. Regester replied: "Why it would be defended by the legal department in the courts."

In response to a question from Councilpresident Zietlow concerning the legality of the uniform law prepared by the American Bar Association, Mr. Regester said "That law is not a law of the state of Indiana. I have not studied that proposed law; I have only been asked to study the ordinance under consideration under Indiana Law."

Larry Owens addressed the Council: "I would concur in what Mr. Regester has said; we have studied this ordinance thoroughly over the course of several months; in our opinion, under Indiana Law, a municipality in the state of Indiana does not have the authority to enact this type of ordinance, that is, an ordinance regulating civil relationships between private parties. I would make a comment, up to this point it has been a mere formality - you may have noticed on all of your ordinances there is a line which is for the approval of the legal department, presumably the city attorney - "to be approved as to legality". I cannot recommend this, in good faith, to this council, and I will not sign such an ordinance."

Councilman Towell asked the legal department: "Do you know of other authorities who would disagree with you?" Mr. Owens replied: "As you well know, Councilman Towell - I don't believe Mr. Regester did, but I have attended at least one of your committee meetings at which this was discussed and of course there was another meeting where some of the members of the committee were present where it was discussed again. I would say that your legal authorities had disagreed, that is, the people who have worked on this ordinance who are members of the committee. I have seen letters, one of which was read into the record - professor Townsend, it seemed to me, who is a uniform commissioner and one of the draftors of the uniform law - wrote in this letter that this was a good ordinance but it seemed to me that the drift of his letter was he referring to the substantive changes in the law; that it was a good reworking of a uniform law meant for states to a local ordinance. I did not, in that letter, see him address himself to the question to which I have addressed myself - whether or not this law may be enacted by the Bloomington City council. I personally have not taken any position - I am not opposed to the substantive changes proposed in this ordinance; in my opinion it would be a law well considered by the state of Indiana. The state of Indiana apparently would have the power to adopt such a law; the city of Bloomington has not. I have also seen a letter from a Mr. Wood of the Indianapolis law firm of Bamberger and Figelman, who was one of the major drafters of Public Law 250. In this letter Mr. Wood expounds on what was intended by Public Law 250. He cites that the first part of this law was a law to reverse what is known as Dillon's rule, a rule that a city may not do anything which is not specifically given to it by the state. He was asked specifically about section 19 of public law 250 which states that a power denied to a municipality in Indiana is the power to regulate private relationships except as incident to an independent municipal

power. I did not have a copy of the letter to him which prompted his response so I do not know what the exact question was. The tenor of the answer, as I read it was that this was not intended to give cities the power to regulate private relationships. I have considered this question thoroughly and in my opinion this ordinance would not be incident to an independent municipal power."

Councilman Towell said "I have read the same letter. In fact, a member of my committee wrote the letter asking for the opinion. As I look at the letter I see nothing that really bears on the question. I think in our discussions we more or less agreed that the letter skirted the issue so I am surprised you are using it as an authority at this point."

Councilman Towell said that the committee never maintained that the ordinance was anything but an exercise of police power, that is, done for the sake of the health, welfare and safety of the citizens of the city of Bloomington.

Councilman Towell said to Mr. Owens: "I will ask you if you will say now, as you did in our earlier discussions, that this matter is open to question and that you tend to take the conservative view in these matters." Mr. Owens replied: "This is true."

Councilman Ackerman said "I would like to support what both Mr. Towell and Mr. Owens have said about the issue of legality being a matter for the courts to decide and urge that that not be raised again in this discussion. This is something to be ultimately settled in the courts. Mayor McCloskey in his statement to the council on this ordinance said: 'the legal principles at issue have never been tested under PL 250 and we are confronted with an honest difference of opinion as to the ordinance's legality; that difference of opinion cannot be resolved finally by the city of Bloomington but almost certainly will be decided in the courts.' I prefer to leave it to the Courts."

Councilman Behen said that on the following page of the Mayor's statement he mentions that he has reservations about the ordinance since it regulates the contractual relationship between the landlord and the tenant.

Council president Zietlow noted that on the final page of the statement, the Mayor endorses the ordinance.

Councilman Towell said that he felt that each section of the ordinance could be defended on a legal basis - as related to the police power of the City - the health, safety and welfare of the city of Bloomington residents.

He said that he felt that if one could find a connection between the provisions of the ordinance in terms of protecting one's privacy and the concern of the health, safety and welfare of the citizens of the city, then the concern of private contract falls by the side.

Councilman Towell said that he thought the substantive issues of the ordinance should be judged independent of arguments about legality. If you see the value of this ordinance then I would think you would be willing to see the City of Bloomington fight for this ordinance.

Councilman Towell said that Mr. Townsend feels that this area of internal and municipal affairs will be greatly expanded in the future.

Councilman Towell read a paragraph from Mr. Townsend's letter: "It is my opinion that you have done an excellent job of reworking this law (the state law) into the form of a municipal ordinance and that the ordinance as proposed is reasonable, workable and in good form. I know of no reason why such a law should not operate well as an ordinance or why it should conflict with state law. Areas of conflict between state statutes and the ordinance have been carefully thought out and removed." Councilman Towell said that at the end of the letter Mr. Townsend says he thinks Bloomington ought to pass such an ordinance.

Councilman Mizell pointed out that the ordinance does have a severability section so that, should sections of it be found to be invalid, they could be struck without affecting the balance of the ordinance.

Councilman Behen said he would like to have Mr. Istrabadi or Mr. Fulton to elaborate on what degree inspectors will be necessitated by this ordinance - the additional manpower that will be needed to enforce the ordinance.

Danny Fulton addressed the Council, speaking on the activities of the redevelopment department in housing inspections over the past years, and answered questions of various members of the Council concerning the work-load of the existing housing inspection staff.

There was extensive discussion from the Council on the question of housing inspections - both as presently handled and as it would be affected by the ordinance if enacted. (see tapes, which will be saved for one year)

Councilman Morrison said that he would like to see a rider or some provision put in the ordinance to exempt NDP areas from the provisions of the ordinance. Councilman Morrison said he would like to request an amendment to the ordinance that our areas affected by the NDP program which have been funded be exempted as to such time as when the rehab by the BOCA code of the federal housing authority and at that time they will meet this ordinance.

John Irvine said that his first reaction to exempting NDP areas is that there would be some equal protection problems, however that does not necessarily mean that you cannot get to where you want to be. It seems to me that in any administrative framework that you have wide discretion as director to adopt the way that your bureau operates, whatever bureau that is. I suspect that if you take any department head and have him come up he can tell you that he has not got enough staff and too much work and they can't get around to it; that is just one of the normal, everyday facts of life. On the other hand if you let that stop you you wouldn't be able to govern yourselves at all. What the law has said that you can do is a reasonable compromise to the realities of the world and the ideals of the law is to set down reasonable administrative guidelines after hearing and after due deliberation. You set up your list of priorities. I think this is what the director of redevelopment will have to do - define material non-compliance and set up a schedule of inspections. If the inspections can not be handled with existing staff, then he could come to the Council and ask for more staff - that would be the time for the City to determine priorities for the City.

In response to a question from Councilman Morrison, John Irvine said that in his opinion, Danny Fulton could hold hearings and let the Westside PAC group decide whether they wanted to suspend the inspection procedure until after the NDP program was completed. He said he thought this could be handled through administrative rules and regulations.

As there was no further discussion from the Council, Council President Zietlow opened the discussion up to members of the audience; each speaker was limited to three-minutes, speakers to alternate pro and con, no one to speak a second time until everyone who wished to had had a chance to speak.

The following people addressed the Council: John Irvine, Frank Barnhart, Dan O'Laughlin, Mrs. George Wallace, Mike Smith, Miriam Weinstein.

Ed Pinto presented sample wording to the Council for the amendment suggested by Mr. Mann concerning the inspection of apartments after the tenant has vacated. Councilman Ackerman said he thought the inspection system suggested by Collier and Stoner would cut down on the administrative costs. He said he thought the one inspection would work since the incoming tenant would be the one to check the apartment.

Councilman Towell said he thought that an exaggeration of damages might be to the advantage of the incoming tenant and he did not think this was a good system. He said he thought face to face inspections were preferable and noted that the time that the inspections are carried out has been left open so that the tenant and the landlord could work it out.

There was discussion from the floor concerning the proposed change in the ordinance to provide for a single inspection. (The discussion was held prior to any motion to amend in order to determine whether the wording of the amendment should be worked out.) A member of the audience said that he thought he should be responsible to the apartment as it related to his tenancy; he did not want someone else to have to decide what the condition of the apartment was after he left.

Ed Pinto suggested that the time for showing the apartment to tenants could be changed from 9 to 5 to 9 to 7.

Councilman De St. Croix moved to amend Ordinance No. 72-76 by rewording the second sentence of Section 12(b)(3)(b) to read as follows: "The landlord may request access to the unit to show it to prospective tenants between the hours of 9:00 a.m. and 7:00 p.m., after advance notice of at least one hour." Councilman Fix seconded the motion. After some discussion the question was called. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 7, Nays 1 (Nay: Towell).

Councilman Ackerman moved that Ordinance No. 72-76 be amended by adding a section (h) under Section 8 as follows: "(h) Occupancy by a tenant in a dormitory or a residence hall maintained for the convenience of students in an institution of higher education, where such institution is the land lord." Councilman Fix seconded the motion.

Councilman Towell said that it may be that the ordinance would not apply in these cases anyway, which means there would be no reason to exclude dormitories; on the other hand if at some future time it should apply it seems to me that the university needs it just as much as any other landlord. I have seen instances which bear this out. It is probably a theoretical issue but I would hate to rule it out for some future time.

Councilman Ackerman said he was concerned about the provision for inspection and what it would involve in terms of the responsibility of the City but I think that in light of the discussion of the city's determination of administration policy it might be worked out. He said he would withdraw the motion if the second would agree. Councilman Fix said he felt on something like this that the city could definitely get into a middle ground between entities of government and would not withdraw his second.

The question was called. THE MOTION WAS DEFEATED BY A ROLL CALL VOTE OF Ayes 1, Nays 7 (Ayes: Fix).

Frank Barnhart addressed the Council, asking if the amendments suggested by the landlord's association were going to be introduced.

Councilman Towell said that one of the suggested amendments deals with notice, the other deals with copies of the lease being available to tenants. Councilman Towell said that he felt that the wording suggested for the question of copies of the lease is taken care of by the wording in the proposed ordinance; he said he thought the suggested amendment might serve as an unusual punishment for the tenant not to be able to have a copy after the second one in the case where he did need a third copy of the lease. He said he thought it was a small point and not very important. As far as the cost of the extra copy, the proposal is that the cost for the extra copy of the lease be changed from 25¢ per page to \$1.00 per page, it seems to me that that is exorbitant. For the present I would think the 25 ¢ is a realistic maximum, though it may not be in the future, at which point an amendment would be in order.

Councilman Fix said he thought the \$1 could be a source of harassment. Councilman Ackerman said he would like the amendment proposed to get it on the floor so people could speak to it. He moved that "subsequent copies" be changed to read "an additional copy" and "25 cents" be changed to "one dollar". Councilman Fix seconded the motion to amend section 12(b)(7).

Councilman De St. Croix moved the previous question to cut off debate. Councilman Behen seconded the motion. THE MOTION TO CUT OFF DISCUSSION WAS CARRIED BY A ROLL CALL VOTE OF AYES 6, NAYS 2. (Nay: Ackerman, Fix)

Debate was closed and the question was called on the motion to amend.

THE MOTION TO AMEND WAS DEFEATED BY A ROLL CALL VOTE OF AYES 2, NAYS 4, ABSTENTIONS 2. (Ayes: Morrison, Behen; Abstentions: Ackerman, Fix)

Councilman Ackerman said he had to abstain since he had moved the amendment primarily for the purpose of allowing discussion of the issue.

Councilman De St. Croix said that before the amendment was introduced by a motion there had been a minimum of ten minutes discussion on the proposed amendment.

Councilman Fix said he had to abstain for the reasons given by councilman Ackerman.

Councilman Towell said that the other points raised by the landlords both have to do with notice. He said the landlords suggested that the notice requirements of the ordinance should be the same for landlord and tenant. Councilman Towell said he felt that there were two different kinds of problems involved - 1. coming into someone's home and 2. notifying someone about conduct of business. He said he saw a clear difference between these two cases.

Councilman Fix moved to amend Ordinance No. 72-76 by changing Article I, section 10(g) by adding "or at the residence of the landlord, his agent or manager" and that section 10(j)(3) be deleted and the following sentence substituted: "notice is delivered to his place of residence and is deposited in his mailbox." Councilman Ackerman seconded the motion.

After discussion the question was called and the MOTION WAS DEFEATED BY A ROLL CALL VOTE OF AYES 4, NAYS 4. (Nays: Towell, Mizell, De St. Croix, Zietlow).

Councilman Towell moved that Ordinance No. 72-76 be adopted as amended. Councilman De St. Croix seconded the motion.

The question was called, there being no further discussion.
ORDINANCE No. 72-76 WAS ADOPTED BY A ROLL CALL VOTE OF
AYES 6, Nays 2 (Nays: Morrison, Pehen).

Councilman Fix said he felt that the landlords' have
been unduly criticized. He said he thought they had acted
in good faith and responded in a responsible manner; and I
want to commend the MCAA for their activities.

Councilman De St. Croix moved to adjourn.
Councilman Ackerman seconded the motion.

the motion to adjourn was carried by a unanimous
voice vote.

THE MEETING WAS ADJOURNED AT 9:50 p.m., E.S.T.

Charlotte T. Zietlow

Charlotte Zietlow, President

ATTEST:

Amy G. Mann
Amy G. Mann, Secretary

RESOLUTION NO. 72-68

INVESTMENT OF FUNDS

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

WATER WORKS CONSTRUCTION FUND \$350,000.00
to mature about June 10, 1973

WATER BOND AND INTEREST FUND \$1,100,000.00
to mature about May 30, 1973

WATER DEPRECIATION FUND \$450,000.00
to mature about April 30, 1973

SANITATION OPERATING FUND \$500,000.00
to mature about April 30, 1973

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 21, 1972