

AGENDA  
COMMON COUNCIL  
REGULAR SESSION  
JANUARY 24, 1980, 7:30 p.m.  
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. PETITIONS AND COMMUNICATIONS
- VI. APPOINTMENT OF EX-OFFICIO TO USB AND MOTION ON ROLL CALL METHOD
- VII. APPROVAL OF PERSONNEL COMMITTEE AND 1980 SUNSET COMMITTEE
- VIII. LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS
  1. Ordinance 80-3 To Amend Section 17.04.050 of the BMC, Entitled "Construction Regulations--Adoption by Reference" to Adopt the Indiana Energy Conservation Rules and Regulations for New Building Construction  
Committee recommendation: Do Pass 8-0
  2. Ordinance 80-1 To Amend Section 15.40.020 of the BMC, "Speed Regulations"  
Committee Report: No recommendation
  3. Ordinance 80-2 To Amend Section 15.40.020, "Speed Regulations", and 15.64.410, "No Parking Zones", of the BMC  
Committee Report: Section 1: Remand to Traffic Commission 8-0  
Section 2: No recommendation
  4. Ordinance 80-5 To Amend Zoning Maps  
re: 3500 block of Old Walnut Pike (east side) as a Planned Unit Development (Southern Monroe Development Corporation)  
Committee Report: Do Pass 8-0
  5. Ordinance 80-14 To Approve Rate Increases for Monroe Cable TV  
Committee Report: Do Pass 5-0-3
  6. Ordinance 80-11 To Amend Section 9.08.070, "Late Payment Charge", and Chapter 9.12, "Water Service Charges", of the BMC  
Committee Report: No recommendation
  7. Ordinance 80-12 To Amend Section 9.08.070, "Late Payment Charge", and to Repeal Chapter 9.12, "Water Service Charges" of the BMC  
Committee Report: Do Pass 4-3-1
- IX. INTRODUCTION OF ORDINANCES FOR FIRST READING
  1. Ordinance 80-17 To Amend the 1980 Salary Ordinance  
re: Reorganization of Rosehill Cemetery Personnel
  2. Ordinance 80-20 To Amend the 1980 Utilities Salary Ordinance to Add the Position of Dillman Road Plant Manager
  3. Ordinance 80-13 To Amend Section 15.64.370 of the Bloomington Municipal Code, Entitled, "Restricted Parking Zone"
  4. Ordinance 80-8 To Amend Section 15.76.010 of the Bloomington Municipal Code, Entitled, "Stop Intersections Generally"
- X. MINUTES FOR APPROVAL: January 7, 1980
- XI. ADJOURNMENT

In the Common Council Chambers of the Municipal Building, held on January 24, 1980, with Councilpresident Allison presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
JANUARY 24, 1980

Councilmembers present: Allison, Murphy, Service, Hogan, Olcott, Porter, Dilcher, Towell and Morrison. Absent: none.

Councilpresident Allison read the agenda summation.

AGENDA SUMMATION

Allison read the letter from the Common Council to the State Highway Commission which strongly urges the state to program grade separation for 37 Bypass at State Roads 45 and 48.

Towell conveyed his sympathy for Councilmember Olcott's accident.

MESSAGES FROM  
COUNCILMEMBERS

Olcott thanked everyone for the concern they have shown over his recent accident.

Service thanked Leonard's Linen Service for their prompt attention to a recent complaint concerning trash on their Dunn Street property, and she thanked the Elks Club for fixing the sewers near their building. She continued that originally she questioned the wisdom of having a committee meeting of the whole a week before the Council meeting and repeating everything twice, but she said she now sees that it is a good idea since it gives Councilmembers a week to think things through and to ask questions. She said one hearing on an issue is not enough and that the Council must give thorough consideration to every issue.

Allison congratulated the Hogan's on the birth of a new girl. She relayed hopes for a speedy recover for Utilities Director Stu McClure, and extended her sympathy for Lloyd Olcott and his family.

There was no message from the Mayor.

MESSAGE FROM MAYOR

There were no Petitions and Communications.

PET. & COMMUNICATIONS

Steve Hogan volunteered to serve for at least six months as the Council's representative to the Utilities Service Board. Towell moved and Olcott seconded a motion to approve Hogan's appointment to the USB. Motion carried by unanimous voice vote.

USB EX-OFFICIO  
APPOINTMENT

Allison read the new proposed method of alternating councilmembers on each roll call vote.

MOTION ON NEW  
ROLL CALL METHOD

Olcott remarked that this had been discussed four years ago and the possibility of purchasing an electronic voting system where everyone votes at once was explored, but it was too expensive. He said he would go along with the new proposed procedure.

Towell remarked that many methods had been tried in previous years but they did not seem to make any real difference. He said he is willing to try it, but said that electronic voting would be better by far.

Morrison agreed with Towell's statement that the roll call method didn't make any difference but said he is willing to try.

Olcott moved and Morrison seconded a motion to adopt a new roll call system in which the order of voting changes at each vote by moving to the left of the Councilmember who was the first to answer the previous roll call. The motion was adopted by a vote of Ayes: 9, Nays: 0.

Al Towell, Pat Murphy and Steve Hogan were approved to be members of the Personnel Committee by unanimous voice vote.

APPROVE PERSONNEL  
COMMITTEE MEMBERS

Olcott as chairperson, Towell and Morrison of the Common Council, Mrs. Bertina Rudman of the League of Women Voters, and Arthur Rye of Common Cause have expressed their desire to serve on the Sunset Committee. These members were approved by unanimous voice vote.

APPROVE SUNSET  
COMMITTEE MEMBERS

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-3 by title only.

ORDINANCE 80-3  
To Amend BMC  
re: Energy Code  
Adoption

Clerk Connors read Ordinance 80-3 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-3. Towell read the synopsis and gave the Committee Report of Ayes: 8, Nays:0, for a Do-Pass Recommendation.

Towell remarked that the Council had little choice in this matter, in light of the fact that this is a state law.

Hogan said he had read the Energy Code. He remarked that voluntary compliance would be fine, but this is a very restrictive and extensive code. Hogan remarked that he felt that the code should be looked at more closely. Hogan stated that if the Council passed this code, it would signify total agreement.

City Council Attorney Frances Komoroske commented that the Administrative Building Council promulgates rules, which the cities must enforce. Komoroske stated that she had talked to the Administrative Building Council, and they remarked that many cities don't adopt everything their Council promulgates. The Administrative Building Council will not do anything if this is not adopted, but the EPA may mandate stricter requirements of all states. Komoroske stated that this code is a little less stringent.

Service questioned if the Council did not adopt the code, whether the City could enforce the Code through state law.

Hogan remarked that the Administrative Building Council should be involved in safety and health codes. He noted that this code has nothing to do with these functions.

Morrison remarked that he agreed with Hogan. He stated that he felt if the code is as strict as it appears, maybe the Council should not adopt the Code. Morrison remarked he had not read the code as of yet, because it was not in the most recent packet, and stated he would like to read the Code.

Murphy moved and Hogan seconded a motion to postpone Ordinance 80-3 until the next scheduled Council meeting. The motion was approved by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-1 by title only.

ORDINANCE 80-1  
To Amend BMC  
"Speed Regulations"

Clerk Connors read Ordinance 80-1 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-1. Towell read the synopsis, and remarked that the committee report was for No Recommendation.

Allison elaborated that this is posted at 30 m.p.h. for a period of 90 days, and is in accordance with laws concerning that area. Allison said that this did not go through the Traffic Commission. She remarked that she would like for this Ordinance to be referred back to the Traffic Commission. Towell moved and Olcott seconded a motion to postpone Ordinance 80-1 until the Traffic Commission makes a recommendation. The motion was approved by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-2 by title only.

ORDINANCE 80-2  
To Amend BMC re:  
"Speed Regulations"  
and "No Parking  
Zones"

Clerk Connors read Ordinance 80-2 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-2. Towell read the synopsis. Towell stated that Section I had a committee report to remand to the Traffic Commission. Towell stated Section II had a committee report of No Recommendation.

Towell moved and Olcott seconded a motion to postpone Section I of Ordinance 80-2 for further consideration by the Traffic Commission. The motion was adopted with a roll call vote of Ayes: 9, Nays: 0.

Towell moved and Morrison seconded a motion to adopt Ordinance 80-2, Section II as amended.

Ron Drahos, of the Traffic Commission, stated that the Commission recommended no parking on both sides of South Henderson--the west side from Grimes Lane to Driscoll, and the east side from Grimes Lane to Wilson. Drahos stated that Henderson is an arterial, and from Grimes going north, parking creates a hazard because of various factors.

Olcott agreed with Drahos that the area in question is highly congested.

Dilcher noted that she sent out letters to solicit comments on the proposal from the residents of this area, but received no pro or con remarks.

Ordinance 80-2 was adopted as amended with a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-5 by title only.

ORDINANCE 80-5  
To Amend Zoning  
of 3500 block on  
Old Walnut Pike  
as PUD

Clerk Connors read Ordinance 80-5 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-5. Towell read the synopsis. Towell reported that the committee Report was Ayes: 8, Nays: 0, with a Do Pass recommendation.

Towell reported that the Committee had a very good discussion on this ordinance, and concurred that it was a good plan.

Tim Mueller, of Planning, stated that this is a project of a PUD in a RS zone, it has an overall density of 4½ units per acre, and is a good layout in terms of the site and various other considerations. There will be shared common walls, duplexes and four-plexes, a total of 184 units.

Ordinance 80-5 was adopted with a roll call vote of Ayes: 9, Nays: 0.

Olcott expressed his pleasure that a city firm is undertaking the project.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-14 by title only.

ORDINANCE 80-14  
To Approve Rate  
Increases for  
Cable TV

Clerk Connors read Ordinance 80-14 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-14. Towell read the synopsis. Towell reported that the Committee Report was Ayes: 5, Nays: 0, Abstentions: 3.

Towell inquired about what kind of technical evaluations were considered.

Jim White, of the Telecommunications Council, stated that Horizon Communications approached the Telecommunications Council this August and that the Council then contacted the

the City Attorney in regards to a rate increase or renegotiation of a franchise agreement. At that time, they proposed a larger increase than what is being recommended. Based on inflationary factors, the Telecommunications Council approved that which is allowed within the franchise agreement.

White answered Towell's inquiry concerning technical evaluations. There was a review conducted in February 1978, remarked White. At that time, the Company measured signal levels, checked for additional capabilities, etc. The Telecommunications Council does an on-going random survey of 200 calls every three months by asking customers to respond to 20 to 30 questions. White said that the response of these surveys demonstrates that Horizon has performed well 99% of the time.

Service questioned whether the Council has followed up on negative responses.

White responded that they follow up personally, and at times, along with a representative from Horizon. Also, if the Council receives a direct complaint, the Council then contacts Horizon directly.

Towell questioned whether the City is receiving comparable services to that of comparable sized cities.

White remarked that 12 cities were used for the comparison. Today, however, the same 12 cities do not operate like the City of Bloomington. But, nevertheless, the increase is in line with other cities of comparable size.

Olcott questioned whether there will be another survey in 1980. White remarked that the survey is an on-going consumer survey.

Dilcher remarked that the sample survey should also encompass those who recently have terminated their service.

White responded that the Council does not have the names of all of the 7,000 subscribers. White also noted that there is a high turnover in a university community. But, he stated that the Council could consider this in the future.

Olcott remarked that the only complaint he hears is that Horizon does not service enough people.

Allison conveyed the appreciation of the Common Council for the large amount of time spent by the Telecommunications Council on this matter.

Olcott questioned when the franchise agreement comes up again. Mr. Wilson, of Horizon Communications, said in 1985.

Allison noted the booming expansion of cable TV throughout the nation. She remarked that many people are interested in 35 channels.

Wilson remarked on the various alternatives open to Horizon. Wilson stated that they are planning on redesigning for 30 channels, possibly in the upcoming year.

Ordinance 80-14 was adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-11 by title only.

ORDINANCE 80-11  
To Amend BMC re:  
"Late Payment  
Charge," and "Water  
Service Charges"

Clerk Connors read Ordinance 80-11 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-11. Towell read the synopsis. Towell reported that the Committee Report was Ayes: 4, Nays: 3, Abstentions: 1, for Ordinance 80-12. He stated that there was no vote for Ordinance 80-11.

Towell said that in conversation earlier in the week with Council-president Allison, Allison stated that it was possible to bring

these matters before the Council as a matter of information by resolution or a motion. Towell felt this is a proper method to consider these matters once a year. Towell stated that if Ordinance 80-12 passes, he would at least want a report.

Morrison questioned the ethical reasoning behind the charge of 2½ times the normal rate for overtime services.

Mike Phillips, assistant Utilities Director, stated that the union contract states that if called out after hours, they are guaranteed at least three hours. Phillips remarked that this figure also includes vehicle use, gas, etc.

Allison stated that with Ordinance 80-11, these matters would come before the Council each year.

Olcott remarked that he opposed Ordinance 80-11, but was for Ordinance 80-12. Olcott said that the Utilities Service Board and the Executive of the Utilities Department are very knowledgeable in these matters. Olcott stated the Council should not concern themselves with matters the Utilities Department and Board knows best.

Service said that her views differed with Olcott's. She stated that she favored Ordinance 80-11 and not Ordinance 80-12. Service remarked that these charges are important, and the Council should keep control over them.

Hogan agreed with Olcott that the Utilities Service Board is better able to execute these matters. Hogan stated with a resolution, that the Council could change the rules if they latter deemed necessary.

Frances Komoroske stated that the Council presently may not have control, because the PSC has already approved these rates. They were submitted to the PSC prior to USB approval.

Murphy expressed that the Council represents the community as a whole; therefore, the citizens should be able to make their concerns public once a year.

Ordinance 80-11 failed by a roll call vote of Ayes: 4 (Towell, Murphy, Service and Allison), Nays: 5.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-12 by title only.

Clerk Connors read Ordinance 80-12 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-12. Towell read the synopsis. Towell reported on the Committee Report of Ayes: 4, Nays: 3, Abstentions: 1.

Olcott remarked that the Utilities Service Board and water rates are well covered by the press. Olcott, therefore, felt that the public could go to the USB with their concerns. Olcott stated that he felt that the Council should not get involved with the daily operation of the Utility Department. Olcott stated that if complaints arise, then the Council could change it.

Morrison stated that the interest should be 1½% instead of 3%.

Hogan remarked that 1½% is not enough. Hogan stated that the Council does not have time or expertise to go into this matter extensively.

Ordinance 80-12 failed by a roll call vote of Ayes: 4 (Porter, Dilcher, Olcott and Hogan), Nays: 5.

Towell moved and Morrison seconded a motion to have the rates sent to the Council before they are sent to the PSC. The motion passed by a roll call vote of Ayes: 8, Nays: 1 (Olcott).

ORDINANCE 80-12  
To Amend BMC re:  
"Late Payment  
Charge," and Repeal  
"Water Service  
Charges"

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-17 by title only.

ORDINANCE 80-17  
To Amend 1980  
Salary Ordinance  
re: Rosehill Cem-  
etery; Personnel

Clerk Connors read Ordinance 80-17 by title only.

Allison read the synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-20 by title only.

ORDINANCE 80-20  
To Amend 1980  
Salary Ordinance  
re: Dillman Road  
Plant Manager

Clerk Connors read Ordinance 80-20 by title only.

Allison read the synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-13 by title only.

ORDINANCE 80-13  
To Amend BMC re:  
"Restricted Parking  
Zone"

Clerk Connors read Ordinance 80-13 by title only.

Allison read the synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-8 by title only.

ORDINANCE 80-8  
To Amend BMC re:  
"Stop Intersections  
Generally"

Clerk Connors read Ordinance 80-8 by title only.

Allison read the synopsis.

Olcott moved and Towell seconded a motion to approve the minutes of January 7, 1980. Motion carried by unanimous voice vote.

MINUTES FOR  
APPROVAL 1/7/80

The meeting was then adjourned at 9:12 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

Tomilea Allison  
Tomilea Allison, President  
Bloomington Common Council

Nora M. Connors  
Nora M. Connors, City Clerk

MINUTES APPROVED this 20<sup>th</sup> day of FEBRUARY, 1980.

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