

In the Common Council Chambers of the Municipal City Building, held at 7:30 p.m. on Thursday, January 15, 1976, with Councilpresident Blume presiding.

REGULAR SESSION  
COMMON COUNCIL

Present: Councilmembers Blume, Kinzer, Middleton, Morrison, Olcott, Richardson, De St. Croix, Towell, Young.

ROLL CALL

Present: Pat Gross, City Controller; Karel Dolnick, City Clerk; Carl Chambers, Chief of Police; Bill Finch, Personnel Director; Pat Patterson, Redevelopment Director; Steve Richardson, City Attorney; Debbie Mantell, Mayoral Aide; Michael Corbett, Mayoral Aide; John Komoroske, Council Administrator/Attorney.

CITY OFFICIALS  
PRESENT

Councilpresident Blume then gave the agenda summation. Items for consideration were Resolution 76-1, Ratification of Rules and Regulations of the Redevelopment Commission; Resolution 76-2, Investment of Funds; Resolution 76-3, B&B Water Project. For First Reading, Ordinance 76-1, Legislative Synopsis Requirement; Ordinance 76-2, to Amend Zoning Maps regarding Huntington Park; Ordinance 76-3, to Amend Zoning Maps regarding Seminary Square Historic Designation; Ordinance 76-4, to Amend Zoning Maps regarding Farmer House Historic Designation. Also the minutes of August 25, October 16, 1975; and January 5, 1976. There was no message from the Mayor.

AGENDA SUMMARY

Councilpresident Blume: I would like to hold an Executive Session on Thursday, January 22, to discuss appointments to the Utilities Service Board. I would appreciate it if Councilmembers could submit recommendations for the position. I would also like to appoint a committee to interview the applicants and submit their selections to the Council. The Utilities Service Board appointment will be discussed in Pat Kinzers' Utilities/Public Facilities Committee. We also have an appointment to make to the Affirmative Action Advisory Board, which would be covered by Jeff Richardson's Public Safety/Policy and Legislative Oversight Committee.

MESSAGES FROM  
COUNCILMEMBERS

Councilmember Towell: On the subject of Executive Sessions, I would like to, I agree that discussions on personalities and weighing people for appointments might be done in Executive Sessions as long as we all agree with that, but I would like to see all votes be public.

Councilpresident Blume: That would be fine, what I meant by the Executive Session is a get together to get our thoughts together to get something together, not necessarily making the selection, because if we have a lot of applicants, the interviews may take a month or so.

Councilmember Towell: There is another level. I think for a lot of our informal work sessions, the press can be present, and they will agree that this is for background information for orientation and work with us on that. If they don't, then we can do something about that. I would like to do things out in public as much as we can.

Councilmember De St. Croix: I would like to express support for your concept of Executive

Sessions to discuss the personalities of the various nominees for the various positions. I would like to indicate my support for Councilman Towell's position that the actions of the Council regarding appointments such as that should be dealt with perhaps at the regular Council meeting following that decision. I would also like to request that members of the media indicate that citizens of the community interested in serving in either of those capacities, they should contact the Councilmember in their district or a Councilmember-at-large to indicate that interest. I know that all Councilmembers here will be attempting to go through the various people they know in the community and people in their district to see that we get the best sorts of candidates for these positions. It is up to the Council to make that decision. I am not saying that people sending in resumes or requesting appointments ought to get them but I think that allows us to maintain a good base of contact in the community and gets a sense of people's interest and perhaps an indication of the reservoir of talent in this community.

Councilmember Middleton: I can only second that. I'll agree on the Executive Session to discuss but certainly an open session for the vote.

Councilmember Olcott: I think it is our responsibility to seek out good people for these jobs. I don't see why you need the whole Council to work on this, we have a committee for that. Let's let them come up with the names for that.

Councilpresident Blume: We would meet in Executive Session to submit names and then Councilmember Kinzer's committee would interview them and submit them to the Council of the Whole.

Councilmember Kinzer: I think just one of the appointments would come under my committee. I think the Executive Session is a good idea because it gives all of the Councilmembers a chance to have input. I do agree that the actual vote should be public.

Councilmember Young: Are there any qualifications for this appointment to the Utilities Service Board, or can anybody come along?

Councilmember Kinzer: This appointment is to be a republican. That is the only requirement.

Councilmember De St. Croix: The law creating the Utilities Service Board requires that there not be a partisan overbalance on the Board. If you have a five member board, then there must be no more than three members of one political persuasion. Independents may be appointed also.

Councilmember Richardson: I have a few things to say. I also was going to speak to these appointments in a more general way. First of all, I agree with Mr. Young's point about clarifying not only party designation but what the responsibilities are. We are seeking input from the community, if we want people to get involved in the decision making process, I think it is our responsibility to let them know what their duties will be if they decide to become a member of this committee. I would request that the Council staff, and if they need help, I would be glad to help them do this, come up with some kind of short statement of what the duties are that these people will be expected

to assume if they do want to become a member of the Utilities Service Board or the Affirmative Action Advisory Board. Secondly, in relation to this, the Mayor has requested from me several times, along with his former secretary, names from me on the various Boards, Commissions, and so on. I have refused to submit him names because I feel that until these Boards and Commissions openings are made public and the public is invited to join these, that no one should give recommendations to the Mayor. I think that every candidate sitting here tonight and everyone involved in the campaign that was unfortunate enough not to win express their concern about getting the community involved in the decision making process. We are truly concerned about that. I think it is the responsibility of both the Mayor and the Council to announce that these positions are opening and will be open and then solicit community input. I agree with Mr. Olcott that it is also the responsibility of Councilmembers to seek out the qualified people. Another point that is important when you are talking about the Utilities Service Board is that I received a gift from Public Service Indiana, a small calendar book. I understand that several other officials received these. What I would like to do is to publicly suggest to Public Service Indiana that instead of sending out complimentary calendar books that they might save some money and perhaps reduce their rates by not sending these. I will be sending this calendar back with that suggestion, but I did want to make that public. I do feel that if this is wide-spread throughout the state of Indiana, and I'm not sure if there are gifts that are larger than this in other areas, but I think it is a poor practice and can only hurt the consumer. Another thing that I passed around tonight is a petition regarding the billing practices of Indiana Bell Telephone Company. The Citizen's Energy Coalition and INPIRG and some local union members are sponsoring a bill to do four things. First, provide for several alternative means for establishing credit so that no deposit is required; two, that customers will no longer pay for one month service in advance; three, that all customers will be given at least thirty days to pay their bills and four, procedures will be established to provide for installment payment of bills so that phone service customers can spread payment of one month's billing across a wider period. Unfortunately, we just had a meeting last night, and I would like the Council to take some formal action. Several Councilmembers have signed the petitions and so have several members of the audience. It is not too late to do that, but I do want to express my concern and support for this, and hopefully this will move the Indiana Bell Company in Bloomington to meet with concerned citizens about their billing practices. Another item of concern is the I.U. housing situation, and I want to commend Steve Richardson and Mike Corbett and others for their work for working with the University officials on improving the inspection program as it relates to off-campus I.U. housing. I do want to stress that if the University refuses to comply, that is, once we have inspected their units and then they refuse to bring them up to standard, I feel that the City then should take legal action against them. I know this has been a point of contention, whether or not the housing of I.U. should be brought up to standard. I feel that I.U. housing should be

brought up to standards if it is found below standards. I feel that I.U. housing should be treated as all other housing in the community. Lastly, one of the comments made by one of the Councilmembers in Sunday's paper talked about the Council being concerned with more mundane matters. I, too, am concerned with those mundane matters but not at the exclusion of some very important legislative items that have come up in the past four years. I hope not only to pursue those mundane matters, but also matters that I think greatly effect the civil rights areas and many other areas in the community. Thank you.

Councilmember Middleton: I might as well jump in with both feet. I think that we really should try to keep our remarks to the business at hand. If someone has an item to bring up, it should be included on the agenda. We should try to conduct these meetings in that fashion.

Councilpresident Blume: Of course, this falls under Messages from Councilmembers and since Mr. Richardson is a Councilmember, he can state his message. I hope his message isn't misconstrued though.

Councilmember De St. Croix moved that Resolution 76-1 be introduced and read by the Clerk.

Councilmember Morrison seconded the motion.

Resolution 76-1 was then read by Clerk Dolnick in entirety.

Councilmember De St. Croix moved that Resolution 76-1 be adopted.

Councilmember Kinzer seconded the motion.

Councilmember Morrison then asked Pat Patterson if a paragraph under Department's Applicants for the Utility Service Grant contradicted itself. He noted that the first three lines of the application states that the applicant must be an individual or family who occupies a one to four dwelling unit residential property. A single family has to occupy those units. He said that no one family is going to occupy four dwelling units. He then noted the contract said it should be legally binding, involving a residential property containing not more than four dwelling units. In one sentence it stated that they are not eligible for a grant, if a single-family doesn't occupy the four dwelling unit. In the next sentence it says that they are eligible for the grant.

Pat Patterson said that the owner occupied structure doesn't have to live in all four units.

Councilmember Morrison interpreted Mr. Patterson's statement to say that you would have to live in one and rent three. He asked how a person could be eligible for a utilities service grant under this ordinance.

Pat Patterson said that they are not saying that we have to have four units, he could not have more than four units.

RESOLUTION 76-1  
Ratification of  
Rules and Regula-  
tions of the  
Redevelopment  
Commission

Councilmember Morrison asked if a person had four units with rental income how could he pass the family income and still be eligible for a grant? He stated that it was a broad rule for a grant.

Pat Patterson stated that if they lived in four units, had an income of \$5,000 or less or had housing worth 25% of the income, he would be eligible. Those are the federal guidelines in the NDP Program. It is unlikely that a person would fit all those guidelines set up, but if he did, he would be eligible.

Councilmember Morrison stated that the only way he could see someone spending that much of their income and be eligible for a grant is that if someone did own them, then a maximum rent would be spent, in that case, we would just be helping them get a grant, and he wasn't in favor of that. He stated that single-family residents would be fine, that the guidelines should stipulate that if a man has got the money to own four dwelling units, he has enough money not to apply for a grant.

Pat Patterson stated that under NDP they didn't have a utilities service grant.

There was then general discussion of the grant applications and applicants.

Councilmember Morrison stated that he wanted the Council to know that during the past four years when funding was wanted on the west-side, that it was thought that there should be apartment houses. He said he felt that if we allow this to go through that people are being penalized on the westside, who are directly responsible for the federal funding of the City of Bloomington today. He stated that he will not vote for this resolution.

Councilmember Olcott asked if there had been applicants in this area.

Pat Patterson responded that they have not had any applications for assistance from people that involved four unit dwelling units. He stated that he would be willing to strike the section if it would please the Council. He said that they do have applicants from Miller Drive.

There was then general discussion on definitions of dwelling units.

Councilmember Richardson stated that the fine legal points could be discussed, but what was most important was the broad policy considerations, why are we adopting this measure, and so forth. He said he would like to think that enough faith could be placed in Mr. Patterson and his department that they will use their best judgement in the kind of people that would be allowed to receive grant money. He said what he thought what the administration was trying to do was to give Councilmembers a feeling for the kind of policy considerations that they have considered and give an outline of what they hope to do. He stated that he was concerned about the policy questions and that the program shouldn't be opposed because one or two people would abuse it. He said that the program was designed to give help to people that need help, including people in

the apartment units.

Councilmember Kinzer said that the income restrictions and net worth limits would take care of the situation and suggested that if it were to state just one dwelling unit, then it would possibly cut out elderly people who might want to add to a small income by renting a room or two.

Councilmember Morrison stated that it could be a single family residence with one to four dwelling units. That means that an apartment house with four units would be eligible.

Pat Patterson stated that he would have no objections to that.

Councilmember Morrison made a motion that the Resolution be amended to state one to four dwelling units for a single family structure.

Councilmember Middleton seconded the motion.

Steve Richardson stated that the Zoning Ordinance would not make that possible. It states a single structure with four or more dwelling units. He said there would be problems with structures in Miller Drive with no hook-up facilities to sanitary service.

The amendment to Resolution 76-1 failed by a ROLL CALL VOTE of Ayes: 3, Nays: 6. Nays: Councilmembers Towell, Kinzer, Olcott, De St. Croix, Blume, Richardson.

Councilmember Towell voted no because of the confusion of terms.

Councilmember Kinzer stated that she was in favor of the intent but voted no because of the confusion of terms.

Councilmember Olcott stated that he was voting no because he thought people should have faith in the Redevelopment Department.

Councilmember Richardson voted no because he also thought more faith should be placed in the Redevelopment Department.

Councilmember Towell stated that the contradiction could be a way out. It states that there are two qualifications and both of them have to be met. He said he would vote for an amendment that would improve the terminology.

Resolution 76-1 passed by a ROLL CALL VOTE of Ayes: 8, Nays: 1. Nay: Councilmember Morrison.

Councilmember Kinzer moved that Resolution 76-2 be introduced and read by the Clerk.

RESOLUTION 76-2  
Investment of  
Funds

Councilmember De St. Croix seconded the motion.

Resolution 76-2 was then read by Clerk Dolnick in entirety.

Councilmember De St. Croix moved that Resolution 76-2 be adopted.

Councilmember Kinzer seconded the motion.

Councilmember Middleton moved that Resolution 76-2 be amended to substitute "the" for "her" to describe the Controller.

Councilmember Towell seconded the motion.

The amendment to Resolution 76-2 passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Kinzer asked why her couldn't be considered as him is in other cases.

Councilmember De St. Croix moved that Resolution 76-2 be adopted as amended.

Councilmember Towell seconded the motion.

Pat Gross explained that this Resolution enabled the Controller to invest funds for the City periodically throughout the year and explained that the ways in which funds can be invested are mandated by state law.

Resolution 76-2 was then adopted as amended by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved that Resolution 76-3 be introduced and read by the Clerk.

RESOLUTION 76-3  
B&B Water Project

Councilmember Kinzer seconded the motion.

Resolution 76-3 was then read by Clerk Dolnick in entirety.

Councilmember De St. Croix moved that Resolution 76-3 be adopted.

Councilmember Kinzer seconded the motion.

Councilmember Richardson asked Mr. Cotner why the contract was for a term of forty years instead of the earlier term of ten years.

Mr. Cotner answered that B&B Rural Water Company had loans that were made for a term of forty years. The ratification is required by the FHA so that the term of the loan is protected. The water will be provided to the company. The B&B Water Company borrowed about \$87,000 to improve their system in the northeast part of the county. The federal government asked that the term be extended to forty years. The improvement loan would run to the year 2015.

Councilmember Richardson asked if that meant that everytime an improvement was made someone from the firm would come back and ask for a forty year contract.

Mr. Cotner answered that that wasn't the case. The City of Bloomington and the company would have a loan term of at least forty years.

Councilmember Richardson noted that the point was that they will certainly need more improvements.

Mr. Cotner answered that there will not be that many coming back.

Councilmember Richardson said that Mr. Cotner made it sound like just a formality and it wasn't a question of if the Council rejected this, there wasn't a chance of jeopardizing the water supply.

Mr. Cotner said there was no danger of that.

Councilmember De St. Croix said he was concerned about the Council ratifying such a Resolution without more information such as the size of B&B service area, the expense of the increase in service over forty years, expected population trends in the development of the county, the projection for the City's water needs over the next forty years, the increases in costs the City will incur in contracts with the state for use of Lake Monroe's water supply, do the City's rates go up as B&B's go up, what is the gallonage of B&B in relation to the City's gallonage rate, etc. He stated that he didn't feel that he could act on something that appears to be a binding contract with the City without the information.

Mr. Cotner said that the 3,276,000 gallons of water used per month wasn't altered and the cost of water is up to the Public Service Commission. He said that the City or B&B have nothing to do with the price of water, and the price now is thirty-five cents per ten thousand gallons. He stated that the only change was in the date, from 2005 to 2015, and that the federal government has to know that they have a contract, and that is why they must come to the Council.

Councilmember De St. Croix said that a binding agreement, even if it is only an extension, is significant enough to have the Resolution tabled and returned to the Utilities/Public Facilities committee for discussion so that information could be gathered.

There was then general discussion on the effect of tabling the Resolution.

Michael Corbett asked if it should be considered by the Utilities Service Board.

Mr. Cotner said it was approved last April by the Utilities Service Board.

The amendment to Resolution 76-3 to return it to committee failed by a ROLL CALL VOTE of Ayes: 3, Nays: 6. Nays: Councilmembers Morrison, Olcott, Young, Richardson, Blume, Middleton.

Resolution 76-3 was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 1. Nay: Councilmember De St. Croix.

Councilmember De St. Croix moved that Ordinance 76-1 be introduced and read by the Clerk in entirety.

FIRST READINGS  
Ordinance 76-1

Councilmember Kinzer seconded the motion.

Ordinance 76-1 was then read by Clerk Dolnick in entirety.

Councilmember Towell moved that the rules be suspended to include Ordinance 76-1 at second reading.

Councilmember Morrison seconded the motion.

Councilmember Kinzer said that she would like to see the Ordinance enacted as soon as possible, but a two week delay would not damage it. She said she was reluctant to suspend the rules unless it was absolutely necessary.

Councilmember Towell said that he would withdraw his motion if she wished.



Councilmember De St. Croix said that he would not like to suspend the rules since it is not an emergency, but noted that the rules of writing a synopsis could be used before the Ordinance is enacted. He asked about the implications of Section three, and asked that the Council staff research the matter.

Councilmember Kinzer said that the Herald-Telephone had agreed to print the synopsis so that citizens could have a chance to have input at the committee meetings.

Councilpresident Blume noted that a unanimous vote is needed to suspend the rules.

Councilmember De St. Croix moved that Ordinance 76-2 be introduced and read by the Clerk by title only.

ORDINANCE 76-2

Councilmember Morrison seconded the motion.

Ordinance 76-2 was then read by Clerk Dolnick by title only.

Councilmember De St. Croix moved that Ordinance 76-3 be introduced and read by the Clerk by title only.

ORDINANCE 76-3

Councilmember Kinzer seconded the motion.

Ordinance 76-3 was then read by Clerk Dolnick by title only.

Councilmember De St. Croix moved that Ordinance 76-4 be introduced and read by the Clerk by title only.

ORDINANCE 76-4

Councilmember Kinzer seconded the motion.

Ordinance 76-4 was then read by Clerk Dolnick by title only.

Councilmember Towell moved that Ordinance 76-5 be included for first reading.

ORDINANCE 76-5  
Lindley House

Councilmember Morrison seconded the motion.

Councilmember Towell moved that Ordinance 76-5 be introduced and read by the Clerk by title only.

Councilmember De St. Croix seconded the motion.

Ordinance 76-5 was then read by Clerk Dolnick by title only.

Councilmember De St. Croix moved that the minutes of October 16, 1975 and January 5, 1976 be approved.

MINUTES  
October 16, 1975  
January 5, 1976

The minutes of October 16, 1975, and January 5, 1976 were then approved by a unanimous voice vote.

Councilmember Towell moved that the meeting by adjourned.

ADJOURNMENT

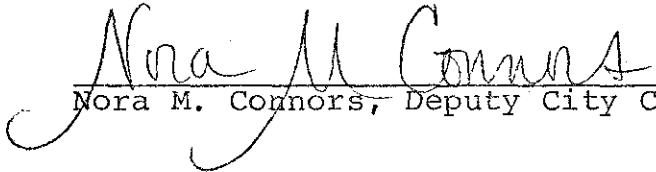
The meeting was then adjourned.

APPROVE:



Clem J. Blume, President  
Bloomington Common Council

ATTEST:



Nora M. Connors, Deputy City Clerk