

In the Common Council Chambers of the Municipal Building held on November 18, 1976 at 7:30 p.m. with Councilpresident Blume presiding over a regular session.

REGULAR SESSION
COMMON COUNCIL
November 18, 1976

Present: Councilmembers Blume, Kinzer, Middleton, Morrison, Olcott, Richardson. Absent: De St. Croix and Towell. Towell was ill, and De St. Croix was out of town on business.

ROLL CALL

Agenda Summation: For Second Reading, Appropriation Ordinance 76-23, To Appropriate Funds from Parks and Recreation Fund and Federal Revenue Sharing Trust Fund; Ordinance 76-65, Traffic Amendment; Ordinance 76-81, Traffic Amendments; Ordinance 76-75, To Amend Zoning Maps re: SE corner of SR 45 and 37 Bypass RS to BL; Ordinance 76-79, To Amend Zoning Maps re: RR 14, Box 30 RS to BL; Ordinance 76-80, To Amend Zoning Maps re: 1205 S. Rogers RM to BL; Ordinance 76-51, 1977 Salary Ordinance for Utility Employees; and Appropriation Ordinance 76-21, 1977 Budget for Utility Department. For First Reading, Ordinance 76-83, Budget Transfers and Ordinance 76-84, To Approve and Confirm Rate Increases for Monroe Cable TV. Also the annual report from the Animal Shelter by Dale Martindale and the minutes of November 4, 1976.

AGENDA SUMMATION

Councilpresident Blume then called for Messages from the Mayor, and being none, called for Messages from Councilmembers.

Councilmember Morrison noted that the application deadline for CD III funds will be November 19, 1976 at 5:00 p.m. He also introduced his son, Jack, Jr., to the audience, noting that he is in the audience with members of his I.U. Communications class.

MESSAGES FROM
COUNCILMEMBERS

Councilmember Young commented that he hopes the Mayor will stick by his decision to "dispose" of the Old Library, and he also wished the I.U. Football team luck in their game on Saturday against Purdue. Councilmember Olcott also extended his wishes of good luck to the I.U. Football team.

Councilpresident Blume then asked for confirmation of the Council's appointment of Emily M. Wade to the Animal Control Commission for a term of two years. He said the Council Committee recommended her appointment. Emily M. Wade was then approved after nomination by Councilmember Morrison and second from Councilmember Olcott for a two year term to the Animal Control Commission, by unanimous voice vote of the Council. Secondly, he informed the Council that the Board of Works approved the contract with the Book Publishing Company to update the Bloomington Municipal Code, which should be completed in six months. He also noted that the December 2, 1976, meeting of the Council will be their last meeting of 1976, since the second meeting in December was cancelled because of the Christmas holidays. The January 3, 1977 Council meeting will convene to elect Council officers and first reading of ordinances, along with Board and Commission appointments. Also, he noted that the Council will advertise for openings on the Utilities Service Board, the Environmental Commission, and the Women's Commission. The Board of Redevelopment Trustees will have two new Council appointments. He then appointed Councilmember Morrison to be Parliamentarian for the Council meeting, since both Parliamentarian DeSt. Croix and Acting-Parliamentarian Towell were absent.

Appt. of Emily Wade
to Animal Control
Commission

Councilmember Kinzer moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 76-23 by title only.

APPROPRIATION
ORDINANCE 76-23
From Parks and
Recreation Fund and
FRS Fund

Clerk Connors then read Appropriation Ordinance 76-23 by title only.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to adopt Appropriation Ordinance 76-23, and Councilpresident Blume then read the legislative synopsis.

Councilmember Olcott then gave the committee report from Utilities/Public Facilities, noting a Do Pass recommendation on both sections. He commented that Councilmember Towell gave a minority opinion in the meeting re: the new book-keeping machine. He felt that computerized systems had not been thoroughly investigated as an alternative, and therefore voted no on that section.

Councilmember Kinzer said she agreed with Councilmember Towell in that this should be looked into more thoroughly, and should be tailored to fit the needs of the whole City.

Appropriation Ordinance 76-23 was then adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 1. (Kinzer).

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-65 by title only.

ORDINANCE 76-65
Traffic Amendment
No Parking on eastside
of Washington between
Third and Fourth St.

Clerk Connors then read Ordinance 76-65 by title only.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to adopt Ordinance 76-65, and Councilpresident Blume read the legislative synopsis.

Councilmember Morrison then gave the committee report from Planning/Community Development, explaining the Do Pass recommendation. He said he was sure that the movement of the mailboxes away from Third Street and closer to Fourth Street has made depositing mail a much easier and safer operation. However, if this does not work, they will be moved to the inside drive of the Post Office.

Ordinance 76-65 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-81 by title only.

ORDINANCE 76-81
Traffic Amendments

Clerk Connors then read Ordinance 76-81 by title only.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to adopt Ordinance 76-81, and Councilpresident Blume read the legislative synopsis.

Councilmember Morrison gave the committee report from Planning/Community Development. The committee recommended Do Pass.

Ordinance 76-81 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-75 by title only.

ORDINANCE 76-75
To Amend Zoning Maps
re: SE corner of SR
45 and 37 Bypass
from RS to BL

Clerk Connors then read Ordinance 76-75 by title only.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to adopt Ordinance 76-75, and Councilpresident Blume read the legislative synopsis.

Councilmember Morrison then gave the committee report from Planning/Community Development. He explained that the committee had previously tabled this ordinance, pending further information concerning what the State Highway Department and the city will work out re: the overpass. They later found out they had enough information, noting that Jim Wray had submitted engineering plans. He added that the construction of the overpass is not likely in the near future (noting that the plans show that the rezoning would not conflict with the overpass if it were constructed).

Councilmember Middleton referred the Council to the Plan Department's recommendation, noting that they felt there were considerable traffic problems at the intersection, and that it should be carefully examined in the site plan stage. He said he would oppose the rezoning until the entrance can be moved or altered.

Councilpresident Blume replied that the Plan Commission would examine that during the site plan stage.

Tom Crossman, Planning Director, explained that the Planning staff and Commission are concerned about the access, noting that it may be able to be moved towards the edge of the property so that they could have better site distance.

Councilmember Middleton moved that Ordinance 76-75 be tabled until the problems dealing with access are worked out. Councilmember Kinzer seconded the motion.

Councilmember Young commented that if the petitioner does move the driveway to the edge of the property, the problem would be taken care of for the most part, and that by tabling the ordinance, it would keep the intersection a dangerous area.

Councilpresident Blume suggested that the Council request that the site plan review come back to the Council.

Frank Barnhart, Attorney for the Petitioner, explained the history of the intersection. He said the road was designed by the state, which is how it got to be a federally funded project. He noted that the road leading to Oakdale Square looks dangerous, but the accident reports prove differently, adding that there are very few accidents there. He said since there is a drop in elevation of 25 feet coming around the curve, it probably slows people down and they drive more cautiously, whereas if it were flat, people would make the turn more quickly and probably more accidents would occur. Mr. Paul Box of Chicago found fault not with the lack of grade separation, but the signalization of the intersection, noting that there is not adequate warning for the intersection. He explained that Mr. Box is an expert of highway design and deals with these cases all over the country. He said the office use of the area would guarantee a low traffic use, even lower than a residential use. He said the Petitioner does not own any land east of the present entrance to the highway, and could not change the location. Relocation would involve use of some of the Old SR 45 right-of-way, which would require state permission and that could take years.

Councilmember Middleton then commented that the Council cannot require anything to return to them without amendment of the Site Plan Ordinance. He then withdrew his tabling motion, and Councilmember Kinzer, the seconder, agreed.

Tom Crossman agreed with Councilmember Middleton's remark about the return of the ordinance, noting that it gives the Plan Commission the authority to review for site plans, but added that the Plan Department would be glad to return the ordinance to them as a courtesy, but not through the ordinance.

Councilmember Morrison explained that Frank Barnhart's comments were dealt with during the committee meeting, and this is the main reason it was brought off the table.

Frank Barnhart also noted that there is a thick bed of limestone under the area, and added that if the overpass is built, it would not interfere with the intersection in any of the three plans by the City Engineering Department.

Councilmember Kinzer moved that the site plan be brought back to the Council for review after its examination by the Plan Commission. Councilmember Morrison seconded the motion. She said once the area is rezoned, it is out of the Council's hands.

Frank Barnhart interjected that they will not be able to come back and tell the Council how they will change the road, since they cannot change the road.

Councilmember Richardson said he questioned the practice of bringing back site plans to the Council for approval. He said the job of the Plan Commission is to do site plan reviews, and that it shows a lack of trust and confidence in the Plan Department to require such Council approval. He recommended

that it not be brought back to the Council.

The motion to bring the plans for the area back to the Council for review failed by a ROLL CALL VOTE of Ayes: 1, Nays: 6. Nays: Councilmembers Morrison, Young, Middleton, Olcott, Richardson and Blume.

Ordinance 76-75 was then adopted by a ROLL CALL VOTE OF Ayes: 5, Nays: 2. Nays: Councilmembers Kinzer and Richardson.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-79 by title only.

ORDINANCE 76-79
To Amend Zoning M
re: RR 14, Box 30
from RS to BL

Clerk Connors then read Ordinance 76-79 by title only.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to adopt Ordinance 76-79, and Councilpresident Blume read the legislative synopsis.

Councilmember Morrison then gave the committee report from Planning/Community Development, noting a Do Pass recommendation.

Ordinance 76-79 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-80 by title only.

ORDINANCE 76-80
To Amend Zoning Maps
re: 1205 S. Rogers
from RM to BL

Clerk Connors then read Ordinance 76-80 by title only.

Councilmember Morrison moved and Councilmember Middleton seconded a motion to adopt Ordinance 76-80, and Councilpresident Blume read the legislative synopsis.

Councilmember Morrison then gave the committee report from Planning/Community Development, explaining their Do Pass recommendation, noting that a Montgomery Ward Catalog Office will be put in, which he said was an ideal use.

Ordinance 76-80 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-51 by title only.

ORDINANCE 76-51
1977 Salary Ordinance
for Utility Dept.

Clerk Connors then read Ordinance 76-51 by title only.

Councilmember Morrison moved and Councilmember Middleton seconded a motion to adopt Ordinance 76-51, and Councilpresident Blume then read the legislative synopsis.

The Council then took a fifteen minute break.

Councilmember Olcott then gave the committee report from Utilities/Public Facilities, noting a Do Pass recommendation.

Ordinance 76-51 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 0.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to introduce and read Appropriation Ordinance 76-21 by title only.

APPROPRIATION ORDINANCE 76-21
1977 Wastewater
Utility Budget

Clerk Connors then read Appropriation Ordinance 76-21 by title only.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to adopt Appropriation Ordinance 76-21, and Councilpresident Blume read the legislative synopsis.

Councilmember Olcott then gave the committee report from Utilities/Public Facilities, noting a Do Pass recommendation. He then asked Paul Coulter to present the ordinance.

Paul Coulter, Director of Utilities, then spoke to the ordinance. He said it shows deficits in both water and sewer, stemming from the fact that there has been no water increase since 1966. There was a sewer rate increase in 1973; however, after a court case, there was a 50% reduction in the rate increase. He explained that they are ready to make a presentation if the Council desired.

Councilmember Young noted that there was an increase in sewer rates in 1973 of over 50%, which he said was a healthy increase, and added that he wouldn't like to see another such increase. Regarding water, he said the City sells water to Ellettsville and Nashville. He suggested that these out of town users be asked to pay more than City users.

Paul Coulter said there was a new concept as far as rates and how they are applied to users. He said the subsidies are changing from industry to residents for water. He continued that the rate that industry paid has been less than the actual cost to utilities of producing it. He said Black and Veatch will be doing a user study in December, and it is anticipated that they will recommend that industry pay a rate that is commensurate with the cost of producing the water, and that out-of-town users will pay a rate commensurate with what a resident in Bloomington will pay. Public Service Commission has also adopted this philosophy.

Ray Long, in answer to a question from Councilpresident Blume, explained that it is now costing the City 49 cents per gallon to produce water, and are often charging less than that. He said even the lowest rate should be above the cost rate. They produce 10.5 m.p.d. per day, with a majority coming from Lake Monroe (85%). The city pays the state for all of the water they use out of Lake Monroe, but not out of Griffey.

Councilmember Howard Young suggested that occupants of rental units pay a charge for the water meter, since if they leave town, the property owner must pay.

Paul Coulter replied that the new rules and regulations of the Utility address several different plans as to when a customer should pay a deposit. Generally, those that have good credit records and are long time residents of the City are not required to pay a deposit. However, for the last six months, the Utilities Service Board has been experimenting with not requiring deposits of any type, to see if it is workable. It has been in operation for six months and the results should be available soon.

Councilmember Richardson commented that he is against having any utility deposits, unless the person has an extremely poor credit record, as it is a hardship on lower income people.

Councilmembers Morrison and Young disagreed, noting that it is only a good business practice requiring deposits, and urged the Utilities Department to ask for them.

Councilmember Richardson asked if there was any way the City's two engineering departments could be combined, and if it would be possible for the City's Attorney to also be the Utilities Attorney.

Ray Long replied that it would be extremely impracticable to combine the Utilities Engineering Department to the Civil Citys', noting that there is no overlap of duties, and their functions are not similar. He claimed that you would not even be able to cut down on the number of employees if they were combined.

In answer to the second half of Councilmember Richardson's question, Paul Coulter answered that Steve Richardson is presently being used as the chief attorney in the P.C.B. hearings, which has consumed over 65% of his time in the last few months.

He noted that Steve Richardson also has a heavy workload in court. He added that David Rogers, the present Utilities Attorney, gets only a small retainer, which he estimated to be \$3,500 per year. He is not paid additional fees for outside work, Mr. Coulter claimed.

Appropriation Ordinance 76-21 was then adopted by a ROLL CALL VOTE of Ayes: 5, Nays: 2. Nays: Councilmembers Young and Richardson.

Councilpresident Blume then called for Petitions and Communications. Mr. Jim Humf of InPIRG noted that they will have a statement to make regarding the Monroe County Cable TV increase at the Council's next committee meeting.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-83 by title only.

First Readings
ORDINANCE 76-83
Budget Transfers

Clerk Connors read Ordinance 76-83 by title only, and Councilpresident Blume read the legislative synopsis.

Councilmember Morrison moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 76-84 by title only.

ORDINANCE 76-84
Approving and Confirming Rate Increase for Monroe County Cable TV

Clerk Connors then read Ordinance 76-84 by title only, and Councilpresident Blume read the legislative synopsis.

Dale Martindale, Director of the Animal Shelter, then gave his 1976 annual report. He explained that for the first ten months of 1976, the shelter received 4,538 animals, 2,115 from the city, 1,7036 from the county, and 61 from out of the county. Truck mileage is 29,093 for the shelter. He explained that people claiming dogs from out of the county pay \$1 more. County residents pay the same as city residents.

Annual Report-
Animal Shelter

Councilmember Olcott moved and Councilmember Morrison seconded a motion to approve the annual Animal Shelter report as submitted. Unanimous approval of the Council.

Councilmember Morrison moved and Councilmember Middleton seconded a motion to approve the minutes of November 4, 1976 as submitted. Unanimous approval of Council.

MINUTES 11/4/76

The meeting was then adjourned at 10:30 p.m.

APPROVE:

ATTEST:


Clem. J. Blume, President
Bloomington Common Council


Nora M. Connors, Deputy City Clerk