

In the Council Chamber of the Municipal Building on Thursday, November 4, 1971, at 7:30 p.m., E.S.T., with Council President, Ralph L. Johnson presiding.

REGULAR MEETING
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

Council President, Ralph L. Johnson.

CALL TO ORDER

Members present:

ROLL CALL

Robert L. Clegg, Jr., James Clendening, Clyde T. Day, Harry G. Jay, Charles J. Faris, Richard W. Fee, Robert E. Gray, Ralph L. Johnson, Jack Morrison.

Members absent: None.

Mayor John H. Hooker, Jr.,; Raymond E. Long, City Engineer; Howard A. Young, City Controller; Marvard Clark, Assistant City Engineer; James East, Chief of Police; James Cotner, City Attorney; Danny Fulton, Director, Department of Redevelopment; Pat Patterson, of Planning Department; Bill Wilson, Director, Parks and Recreation.

CITY OFFICIALS PRESENT

Approximately 50 including members of the press.

OTHERS PRESENT

Councilman Clyde T. Day.

INVOCATION

Councilman Harry G. Day moved that the Minutes of the previous meeting of October 21, 1971, be approved as corrected. Councilman Faris seconded the motion and it carried by unanimous voice vote.

None.

REMONSTRANCES AND OBJECTIONS

Councilman Harry G. Day stated, "that following the first reading of this proposed ordinance a Committee was appointed to consider its implications and to advise the Council on it. This Committee was intended to be quite representative of the community. It has met once, and that meeting was held yesterday afternoon, and I will report here at this time the composition of the Committee; it is composed of Dan O. Laughlin, Director, of Community Action Program, William Ringgenberg, who is a local businessman, David Hill, student at Indiana University, an appointee of President of Student Government, Wanda McKee, Mr. Elmer Smith of Senior Citizens Center, Mrs. Rose Walden, representing the Christian Center, Donald Miller, representing cabs and manager of the Campus Cab Company, myself, as Chairman of the Committee and Don Lockett, of Personnel Department of R.C.A., in addition George Ellis, member of the Mayor's staff is a member of the Committee. The Committee has met as I indicated and has discussed the ordinance and has considered in a general way the problem of transportation in Bloomington. The Committee is expected to meet further and before any action is proposed from the Committee I think we will at least require some assistance of our City Attorney, so I am not prepared yet to ask for a second reading of the ordinance." "I might add, the Committee is in favor of the idea of a Jitney service on the basis that this would be a service that best probably would be of a nature to meet certain transportation needs, but certainly not all transportation needs of the community."

ORDINANCES-SECOND READING

Ordinance No. 71-49
Jitney Bus

Councilman Clegg moved that proposed Ordinance No. 71-50 be advanced to second reading and read by the Clerk by title only. Councilman Faris seconded the motion.

Ordinance No. 71-50
Zoning 3 lots Northwest
Corner 7th and Adams Streets

The Clerk read proposed Ordinance NO. 71-50 by title only.

Councilman Clegg read the two following letters:

"Mr. Ralph Johnson
Municipal Building
Bloomington, Indiana

November 1, 1971

Dear Sir:

We, the Project Area Committee (PAC) are requesting that there be no change in zoning in the area that PAC is considering for the Neighborhood Development Program (NDP) until said zoning has been accepted or rejected by the PAC.

We are also requesting no rezoning without a review by PAC.

s/Mrs. Mary Cordell Johnson
Corresponding Secretary of
PAC."

November 4, 1971

"Mr. Ralph Johnson
Chairman, Bloomington Common Council

Dear Mr. Johnson:

In an earlier written response to the Bloomington Plan Commission, the West Side Association indicated that it was in favor of Mr. Robert Terry building an automobile body shop at 7th and Adams under the existing B3 zoning provision.

Subsequent counsel indicates that either the zoning must be changed to M1 or Mr. Terry must find another location for his proposed business. With the options being either or rather than both, and the West Side Association called a special meeting at the Christian Center on Wednesday, November 3, 1971, at 7:30 p.m., Mr. Terry and property owners surrounding the proposed body shop site were invited and were in attendance.

The decision of the twenty neighborhood persons in attendance at this special meeting was as follows:

Seventeen Ayes, no nays, and three abstentions. Thirteen yes votes were regular members of the Association as were also the three abstentions.

The action taken was in favor of upholding the decision of the Bloomington Plan Commission in changing the zoning of the two lots in question from B3 to M1 and thus enable Mr. Terry to proceed with his plans for a body shop.

s/Sincerely
Paul Crafton
President, West Side
Association."

Councilman Clegg stated that since Mr. Jack Morrison was a member of the West Side Association, he would like to have a recommendation from him as to what the Council should do.

Councilman Morrison stated he was in favor of it, this was his own personal opinion as a representative of the West Side Association.

Councilman Harry G. Day commented this seemed to be quite an important matter, that some of the people in neighborhood had talked to him, one, namely Mrs. Rose Walden, who was opposed to rezoning and thought it should not be done. He had others say they were in favor of it. He further said that this particular property would not be suitable probably for R-1 use and is presently zoned for R-3 and it would be reasonable for the intended use to be supported by the Council. "Of course we can't have our cake and eat it too", it has to be one or the other.

Several persons spoke in favor of rezoning and one raised the question as to whether the people in the immediate vicinity should make the decision or whether the Council should make the decision.

Councilman Harry G. Day answered the question by saying that it is really a part of both. The main concern is how it affects the neighborhood and of course there is a principle involved in this that affects the entire community. "So I personally am much interested in learning just what the neighborhood feels about this, and I will be greatly influenced by that."

Councilman Clegg said that the purpose of sending this back to West Side Association was because of the NDP program and that if the NDP program were to be accepted sometime in the future by the residents of West Side of Bloomington, at that point they would pretty much control what kind of development took place, and it was the feeling of the Council and also, he thought the feeling of the Plan Commission in the beginning that this should be done to get the real consensus of what the people who were going to be operating this program in the future, if they should take it on, what they would be wanting to do with it, what they felt the best use of it was because they were going to be doing it maybe in the near future, and this was not designed to set a precedent that every time a rezoning came up that a particular neighborhood association would be the one who would be given almost the last word in determining whether or not it should or should not be done; that this was done only because of the NDP program and NDP program only.

Councilman Clyde T. Day said it had been some of their thinking in the past that due to the traffic congestion in the neighborhood and because of the number of children that walk in that area, that maybe it is not a good thing at this time. That the sidewalks that were laid in make the street a little narrower. He further said he was not opposed to it, and he liked Bob Terry, and he didn't want any personalities to enter into it, but it seemed we have had a complete turn around from what we have done in the past and he thought this should be considered.

Mrs. Zola White said she had been opposed to it all along. That she did not think it was a good place for a business to go in, but this was her own personal opinion, that she was not speaking for anyone else.

Danny Fulton, commented he thought the first response that the city council received was ambiguous and vague perhaps and most likely were misinformed as to what the zoning was as far as B-3 or M-1, and what could exist in one zone and what could exist in another zone. The West Side Association then took it under advisement again, and did an outstanding job as far as notifying residents adjacent to the property, the residents that were involved in the area and they came to the conclusion that they did in fact favor the rezoning of the property to M-1. He thought this was a decision of the West Side Association, and of the people of the West Side and they felt this should be this way. Although someday or may not feel this way, he thought it was the voice of the West Side Association speaking and that it should be followed.

Councilman Clegg moved that proposed Ordinance No. 71-50 be adopted. Councilman Clyde Day seconded the motion.

Roll call vote: Ayes 9, nays 0.

Councilman Clegg moved that proposed Ordinance No. 71-51 be advanced to second reading and read by title only. Councilman Clyde Day seconded the motion.

Ordinance No. 71-51
Zoning Land at 1515 South Rogers

The Clerk read proposed Ordinance No. 71-51 by title only.

Councilman Clegg moved that proposed Ordinance NO. 71-51 be adopted. Councilman Clyde Day seconded the motion.

Roll call vote: Ayes 9, nays 0.

Councilman Clegg moved that proposed Ordinance NO. 71-52 be advanced to second reading and read by the Clerk by title only. Councilman Clyde Day seconded the motion.

Ordinance No. 71-52
Zoning Lands located on East Side of State Highway #37 about 435 feet North State Highway #46 By-Pass

The Clerk read proposed Ordinance No. 71-52 by title only.

Councilman Clegg moved that proposed Ordinance NO. 71-52 be adopted. Councilman Clyde Day seconded the motion.

Councilman Johnson stated that this ordinance needed further study prior to final decision and would not be advanced to second reading at this time.

Ordinance No. 71-53
Inspection of Multiple Dwellings

Councilman Harry G. Day read a letter addressed to Councilman Johnson as President of the city Council written by Reverend Paul R. Miller, Chairman, Bloomington Drug Control Commission as follows:

ORDINANCES-INTRODUCTION
Ordinance No. 71-54
Amendment of Section 2 of Drug Commission Control Ord.

October 28, 1971

"In order that the newly created Drug Control Commission have the freedom and

the flexibility to add representatives from other organizations to the Drug Control Advisory Committee, we ask that you submit to the City Council the following amendment to the Drug Control Ordinance: Add at the end of Section 2., this sentence "The Bloomington Drug Control Commission shall be free to include representatives from other groups, organizations and institutions within the community as it deems necessary for the purpose of greater community participation.

We would appreciate having the Council act upon this immediately so that we will be able to approach some other groups. Thanking you for your help in this matter, I am-

Sincerely yours,
s/Paul R. Miller

Councilman Harry G. Day stated, "I believe that the intent of this is one we should give serious consideration to because undoubtedly from time to time there will be groups in the community that the Commission should probably consider as useful in making recommendations to the Commission, but it seems to me that it would be better in the orderly and effective operation of the Commission in attaining its goal for our community, if every group that is a member of the advisory committee should come before the Council for formal recognition and formal recording in the records of the city, so that the organization would have full community recognition, every body would have means of knowing what the group is and I do not believe that it would necessarily handicap the Commission if we did ask that any time the Commission desired to have a specific group made a member of the Advisory Committee, that the Commission would notify the Council and present its reason for the addition of the group and I have every reason to think that the Council would promptly seriously consider and most probably act as the Commission desired." So with full recognition of the desire of the Commission to utilize all groups in the community so they could effectively serve, I believe, however, that I would recommend that the Council not adopt this proposal for addition to the ordinance as it stands now and if this were done there would be no effective means for the community to know who these groups are that the Commission wants; so I would suggest that very soon after this meeting tonight that we communicate with Reverend Miller and ask him that if he has any specific groups now he prepare them for consideration at the next Council meeting so that the ordinance could be amended to include those specific ones and every time that any group desires to be added or perhaps deleted that a recommendation be made and the Council could act rather promptly in effecting amendments to the ordinance. I really think this would be a more orderly and better way to handle this situation."

Councilman Johnson announced there would be no introduction of Ordinance No. 71-54.

Councilman Fee moved that proposed Appropriation Ordinance No. 71-9 be introduced and read by the Clerk. Councilman Clendening seconded the motion, and it carried.

Appropriation Ordinance
No. 71-9

The Clerk read proposed Appropriation Ordinance No. 71-9.

Councilman Fee moved that the rules be suspended for the purpose of giving further consideration to proposed Appropriation Ordinance No. 71-9. Councilman Clendening seconded the motion.

Roll call vote: Ayes 9, nays 0.

Councilman Fee moved that proposed Appropriation Ordinance No. 71-9 be advanced to second reading and read by the Clerk by title only.

The Clerk read proposed Appropriation Ordinance No. 71-9 by title only.

Councilman fee moved that proposed Appropriation Ordinance No. 71-9 be adopted. Councilman Clyde Day seconded the motion.

Roll call vote: Ayes 9, nays 0.

Councilman Fee asked that the Clerk read proposed Resolution No. 71-32.

RESOLUTIONS

The Clerk read proposed Resolution NO. 71-32.

Resolution No. 71-32
Investment of Funds

Councilman Fee moved that proposed Resolution No. 71-32 be adopted. Councilman Clyde Day seconded the motion, and it carried by unanimous voice vote.

None.

PETITIONS AND COMMUNICATIONS

None.

REPORTS FROM OFFICIAL BOARDS AND COMMISSIONS

Councilman Morrison stated he had a request from a Mrs. Milligan at 212 So. Roosevelt for a street light at the cul de sac, approximately between 3rd and 4th Streets. The City Council will look into this situation.

REPORTS FROM STANDING COMMITTEES

None.

REPORTS FROM SPECIAL COMMITTEES

None.

REPORTS FROM CITY OFFICIALS AND DEPARTMENTS

Councilman Harry G. Day commented on a talk that Bill Wilson, Director of Parks and Recreation gave at the Community Service Council luncheon last Wednesday a week ago. He stated he was very impressed by the substance of what he had to say which was based primarily on the comprehensive planning that has been done through his stimulation and through the support of the Parks Board and the persons in attendance at the luncheon appreciated very much what he had to say and the thing he wanted specifically to call attention to is that a new dimension is being added next year. The parks will be used by the female sex in a way it has not been used before, such as softball and other sports, for women and girls. He said he was impressed by the breadth and the quality of what Mr. Wilson had to say.

REPORTS FROM COUNCILMEN

Mayor John Hooker, Jr., said, "that we have an area that he would like to initiate at this time, just orally, we do not have a written presentation, this will be made at the next stated meeting of the Common Council. This is an area that shows the continued demonstrative concern of this administration and Council in the area of total environmental problems and concerns of the greater Bloomington area, and as you know probably nothing is more fundamental in the environmental concern area than the health of this community. We know that unfortunately we have two headed coin, this would be the soils, terrain and rock formations here in this community. On one hand they are very beautiful and desirable and precious and on the other hand when it comes to sewers it does indeed pose a very serious problem in the construction of sewers and the related costs that are involved with this construction. It also poses very serious problems of any type of sanitary system especially when we are talking about septic and field systems. We know well that there are many areas of our community who have very serious problems and these problems are indeed long standing. We have long been aware of this and we have attempted to try to find a workable solution. We thought we had a workable solution many years ago when we had engineering plans and specifications prepared and we had estimates made and ultimately bids were taken hoping that we would be able to sewer the metropolitan area as far as mains and laterals or collection system was involved. We ran into problems, basically problems that were connected with another very difficult problem of metropolitan government and municipal government of the City of Bloomington and that is annexation. As a result we to this date have not been able to bring forth a workable answer to this, although we have attempted by repeatedly, for example, rebidding many of these areas, as many as four or five times hoping that we would find maybe a lower cost factor since the cost of installing again, sewers, mains and laterals where front lines or interceptors is indeed a very costly proposition here in this community because of rock and the growing terrain that we have.

As a result in our continued efforts to try to find an answer we have asked, and they did, and this is the Board of Public Works to rebid the program which is entitled "H" program which involves some 12 or 13 unsewered areas within the total Bloomington community. One area is within the corporation lines and this is Hoosier Acres. The other areas are without the corporation line, such as Matlock, Grandview, Eastern Heights, Broadview, Arlington, Cory Lane and I might even add Miller Drive is indeed included. Bids have been received by the Board of Public Works so we do have current up to date figures. We have talked with one neighborhood association, this being the Hoosier Acres group directly, and we have talked with other associations indirectly or through one or two representatives.

The proposal that I would like to make to the Council is that I would propose that the highly developed and higher cost subdivisions that we have in the community be sewered by the City of Bloomington, as far as mains and laterals are concerned. The area for example naturally Hoosier Acres would have and should have in my opinion top priority because they

indeed are within the corporate limits as of now of the City of Bloomington. Other areas including Hoosier Acres would be Matlock which has long been a standing area of the total community that has worked hard in trying to find and along with the City of Bloomington working with them an answer to their problems, the people of Grandview and Eastern Heights. I feel that this is a special group and they are special because in my best judgment it would be very difficult and I would feel impossible to ever attempt to qualify these areas under a Federal Program. The other areas would be for example Broadview, Arlington and Cory Lane which I feel have a good chance of being able to qualify under some sort of federal assistance program. We know that Miller Drive for example, we do have a survey and planning application of which part of it is to indeed sewer the entire area and this would be a one hundred percent funding program by the Federal Government.

I would suggest that the City would attempt to again qualify Broadview, Arlington and Cory Lane and a few other areas under a one-hundred percent funding program of the Federal Government. For the areas that I do not personally feel would ever have a chance of qualification under the Federal programs, again, Hoosier Acres, Matlock, Grandview and Eastern Heights I would propose that the City of Bloomington enter into a program where the City general system would give grants and aids up to fifty per cent. The people of these areas then would contribute fifty per cent of this program. So this would be a local grant and aid type of project a 50-50 program. Now then the City of Bloomington, I feel is in a financial position to enter into such a financial arrangement at this time.

We could do this by going through and if you will follow with me the flow of funds within the sanitation company. As you know we have a general revenue and then we have special construction revenue funds. These are the funds that we operate the system on and build things and meet all obligations. The first obligation outside of general operation and general maintenance is naturally to the bond holders of the two sewage works bond issues that are presently outstanding. This is in the form of debt service meaning the principal and interest that is due semi-annually. This amounts to approximately \$460,000.00 per year for debt service. When we have \$460,000.00 or its equivalent to twelve months obligation plus ten per cent of that amount which would give us in excess of \$500,000.00 or half million, this together with twelve months of general operation and maintenance which comes to a little over \$900,000.00 a year. When we have this in reserve then we can move over to another fund which is the depreciation fund. This depreciation fund has to come up with \$240,000.00. Money out of the depreciation fund can then be used to replace existing parts of our system, pumps, present mains that are installed, trunk lines, interceptors, lift stations, treatment or anything that we have in existence that needs to be replaced can be replaced out of the depreciation funding account. When this has reached its level of \$240,000.00 any monies then can flow into a general improvement fund. So you start out with General Revenue, take out your operation monies, then you go into your debt service, go into what is called your extra margin of safety your ten per cent plus your twelve months of operation and maintenance, this being the reserve protection

for the bond holders. When this is met again it goes into the depreciation of \$240,000.00. This is the size of this cup. When that cup runs over you can then start filling the improvement fund. Now we will have and do have monies to meet the reserve requirement as stipulated by the bond ordinance and will fill all the covenants and requirements of such. We can meet and fill the requirements not only in the reserve and depreciation, but then have extra funds that can be assigned to the general improvement. This would amount to approximately \$700,000.00 plus. So I would propose to the Council that they consider when it is submitted to them in writing this proposed fifty-fifty system for Hoosier Acres, Matlock, Grandview and Eastern Heights, coupled with the additional stipulation that Matlock, Grandview and Eastern Heights have submitted to the Common Council on or before the 18th of November a petition for voluntary annexation on the part of these three neighborhoods, because these areas should not be sewerred by the city system in my opinion unless they are in deed, in fact a legal part of the corporation of the City of Bloomington. If they are in fact such as Hoosier Acres is, then I respectfully request that the Council give consideration to the adopting of the fifty-fifty local program. That the other areas outside such as Broadview, Arlington, Cory Lane and those other areas, then they be annexed conditionally upon our being able to qualify them under a federal program of one-hundred per cent federal participation, secondly, that there would be submitted to the Council a cost fund statement, thirdly, a legal opinion as to the bond ordinances and respective covenants within those ordinances, and, fourthly, there also be proposed to the Common Council a sewage system rate amendment. This proposal; adjusting the rates for collection of sanitary sewer charges principally in the area allowing that all users of our system who are residential users, that their rates for the months of July, August and September be based upon the second quarter of the current years billing, meaning the months of April, May and June. This then would recognize the fact that indeed the people who use excessive water for external purposes during the dry portion of the year for example, the watering of flowers and sprinkling of lawns, the washing of cars or tricycles and their driveway, that they not be charged any more for the sewer service than what they have paid in the month of April, May and June of that current year. Again this will all be submitted in writing at the November 18 meeting of the Council."

Mr. Ernest Horn, President of the Hoosier Acres Neighborhood Association commented that based upon the recommendation to the council this evening, he would like to withhold any comments until it is placed on the agenda for the next council meeting.

Mr. Harold Lindman of Grandview Hills Residential Association said there was a very strong misgiving about the November 18 deadline for annexation. That there were diverse feelings among the association members and two weeks was hardly time to consider the costs and other factors involved. He said many of them were reluctant to be annexed even with sewers.

Mr. Cotner said application for annexation must be agreed upon by a majority of land-owners and not just association members.

Mr. Joseph Stradling of Matlock Heights said that the proposal was "delayed music". He asked if a subdivision agreed to go along with the plan, when could residents expect action. Mayor Hooker said work on the project would begin in December, barring any problems.

Mr. Cotner, City Attorney said that forms to apply for annexation would be available in his office.

Councilman Clyde T. Day moved that claims CLAIMS and payrolls presented for payment November 5, 1971, be allowed and approved. Councilman Morrison seconded the motion, and it carried by unanimous voice vote.

The meeting adjourned at the hour of 8:50 P.M. ADJOURNMENT

Ralph L. Johnson, President

ATTEST:
