

In the Council Chamber of the Municipal Building on Thursday, November 18, 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 Clegg, Jr., James Clendening, Clyde T. Day, Harry G. Day, 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 Cotner, City Attorney; Marian Tardy, City Clerk; Danny Fulton, Director, Department of Redevelopment; Tom Greenwood, Director of Planning Department; Bill Wilson, Director of Parks and Recreation.

CITY OFFICIALS PRESENT

Approximately 70 including members of the press.

OTHERS PRESENT

Councilman Harry G. Day.

INVOCATION

The minutes of the previous meeting of November 4, 1971, were approved as corrected. Motion by Councilman Harry G. Day, seconded by Councilman Clendening, and it carried.

MINUTES

None.

REMONSTRANCES AND OBJECTIONS

Councilman Harry G. Day moved that proposed Ordinance No. 71-49 be advanced to second reading and read by the Clerk by title only. Motion seconded by councilman Fee, and it carried.

ORDINANCES-SECOND READING

Ordinance No. 71-49  
Jitney Service

The Clerk read proposed Ordinance No. 71-49 by title only.

Councilman Harry Day said that since the ordinance was read some two meetings ago, it has become apparent that certain changes should be made in the ordinance, and he moved that amendment of the ordinance be read by the Clerk in its entirety as proposed amended. Motion was seconded by Councilman Faris, and it carried.

The Clerk read proposed amendment of Ordinance No. 71-49.

Councilman Harry G. Day commented that when the ordinance was introduced a few weeks ago a committee was formed to discuss the proposed ordinance, and a meeting was held on November 3, 1971. The committee asked questions and considered the need of transportation in Bloomington and they felt individually and collectively that it might be a little bit unlikely that any individual or organization would be sufficiently interested enough in attempting a jitney service in the community as to comply with the proposed terms of the ordinance and proceed to establish a service, however, if such should be attempted it could do the community some good.

Councilman Harry G. Day read the following report written by George Ellis:

"The citizen committee for the examination of the

proposed Jitney ordinance met in the Planning Room of the Municipal Building on Wednesday, November 3, 1971, at 1:30 p.m. In attendance were Dr. Harry Day, Committee Chairman, Daniel Laughlin, Director of the Community Action Program, Bill Ringgenberg, a local business man, Dave Hill, an I.U. Student, representing student government, Wanda McKee, Elmer Smith of Senior Citizens Center, Donald Miller, from the Campus Cab, Mrs. Rose Walden, representing Reverend Paul Crafton and the Christian Center, myself, George Ellis. The only absentee was Mr. Don Lockett, of the personnel Department of RCA representing industry.

Dr. Harry Day opened the meeting by making introductions of all members and explained the purpose of the meeting. He apologized for leaving early to attend a funeral (that of Bill Strain) and turned the meeting over to me, I proceeded with a brief review of the definition of a jitney and the purpose I felt that it would serve in the area of transportation in the City of Bloomington. I did only a brief review because I had furnished each citizen with a copy of the jitney ordinance, and a copy of an article which explains the jitney idea last Friday, so that they could come prepared with questions, criticisms or recommendations. I emphasized that the jitney idea was not being proposed as a total or single solution to the City's transportation problem. I pointed out what I felt was the main reason behind the proposal which is a fact that this ordinance would open up another avenue to which private enterprise might profitably provide a form of mass transit to the citizens of Bloomington, before referring the entire publicly subsidized mass transit system. I stated that opening the avenue involved no cost to the city. If it succeeds the businessman and citizens benefit, if it fails the city has lost no ground for expense and it could proceed along other lines. Having no objections by the citizen committee it is my hope that the Common Council will take what steps it can to give the jitney idea a chance in the City of Bloomington."

Councilman Harry Day moved that the amendment be adopted. Motion seconded by Councilman Clendening.

Roll call vote: Ayes 9, nays 0.

Councilman Harry Day moved to adopt the ordinance as amended. Councilman Fee seconded the motion.

Roll call vote: Ayes 9, nays 0.

Councilman Clegg moved that proposed ordinance No. 71-53 be advanced to second reading and read by the Clerk by title only. Motion seconded by Councilman Morrison, and it carried. Ordinance No. 71-53 Requiring Inspection of Multiple Dwellings in the City of Bloomington

The Clerk read proposed Ordinance No. 71-53 by title only.

Councilman Clegg moved that proposed Ordinance No. 71-53 be adopted. Councilman Morrison seconded the motion.

Roll call vote: Ayes 9, nays 0.

Councilman Fee asked that the Clerk read proposed Resolution No. 71-33.

The Clerk read proposed Resolution No. 71-33.

Councilman Fee moved that proposed Resolution No. 71-33 be adopted. Councilman Clendening seconded the motion, and it carried by unanimous voice vote.

None.

None.

None.

None.

None.

Mr. Harold Church representing Matlock Heights spoke concerning the Mayor's proposal as to sewer program of the Matlock Heights subdivision.

Mr. James Cotner, City Attorney, announced he had some bad news, and stated the ultimate question which must be answered and one which generated this in the beginning is the availability of the fund and the legality of the use of funds to assist subdivisions in putting in their sewer. He said that the funds are available, but the transfers which would have been or which will be made are controlled by the Statute, by the city ordinance and the bonds themselves. It was his opinion that the source of funds their being bond money can not be spilled over into the improvement fund. He explained in detail the reasons for his opinion, and announced he would contact Mr. David Brewer of Indianapolis, bond counsel to get his opinion as to whether the funds could be transferred.

Mayor Hooker commented that, "on coming into office, some almost eight years ago, we found that in our opinion many things needed to be done. One of the greatest things and concern are environment, and the health of our community and neighborhoods, also the fact that we indeed had a great many unsewered areas within metropolitan Bloomington. We had hoped and spent a great deal of time trying to find answers: as to how this could best be handled. It was finally decided administratively that we would place a main and lateral construction program within and as a part of our major sewer treatment works and interceptor program. We spent a great deal of time in this area, and spent money by having construction plans and specifications drawn. This was over four years ago so it wasn't just a jump in two weeks program."

"Naturally, as we have said repeatedly, the State law says that to build mains and laterals you must be inside the corporation limits of a municipal area. We had hoped and had every reason to believe that the areas would be

## RESOLUTIONS

Resolution No. 71-33  
Investment of Funds

## PETITIONS AND COMMUNICATIONS

### REPORTS FROM STANDING COMMITTEES

### REPORTS FROM SPECIAL COMMITTEES

### REPORTS FROM CITY OFFICIALS AND DEPARTMENTS

### MESSAGES FROM COUNCILMEN

### OTHER NEW BUSINESS

### MESSAGE FROM MAYOR

annexed and would be in the city when it came time to sell the bonds. Unfortunately, for the community at large and I would say for the neighborhoods in particular, these areas were not annexed. Had they been annexed the people of these areas would have had sewers today and it would have been spread over a long period of time such as our major improvement is, and the expense would have been borne by the entire sewer community. Since we were unable to accomplish this and this was our first major disappointment, we continued to rebid many of the areas to try to bring the cost down; we tried to find many ways of constructing sewers and many different proposals were considered, and this has been going on, and we have spent untold thousands of hours with the city administration, city attorney, city engineer and city controller, as well as members of the Council in trying to find a hopeful solution. We felt maybe we had found one, by being able to perform something by going back and pick up federal grants and aids on projects that were already under way, and this required a high degree of cooperation, high degree of respect and faith upon the part of the City of Bloomington, the State of Indiana and the Federal government. This was accomplished. This gave us the \$2,000,000.00. We felt we had another way of serving these areas of greater Bloomington area, and this is the program we have attempted to do. I know the people who do have septic tanks and who do have critical situations are disappointed and only second to those people are my feelings and disappointment when I heard that this program is not able to proceed because of the language of the bonds, unless David Brewer reverses his opinion. We do have approximately little better than \$100,000.00 that can be properly and legally transferred from the fund into the other to go into the improvement fund which is the last working fund. This \$100,000.00 to 120,000.00 coupled with each month approximately \$40,000.00 being deposited into it would give us a capability, and it is my plans and recommendation to the Board of Works that the Hoosier Acres program be activated, hopefully this week, but definitely this month, because we do have the financial capabilities and we do have the fund and this is the first area that is of priority to this administration and to this common council. "I regret that things have worked out this way, but again there are many programs that an individual is involved in, a official, or council, or neighborhood associations and unfortunately we do not always bat 1,000, but we tried."

Councilman Clegg urged that the Board of Works move speedily ahead with the program because the funds are available.

Councilman Harry Day expressed his disappointment and said even though it appeared there wasn't any hope of doing anything for sometime for those areas not already in the city, he urged that we not give up entirely and work at it until a solution is found.

Representatives of Matlock Heights, Eastern Heights and Grandview Hills expressed their views on the sewer program and were greatly disappointed as to the announcement of Mr. Cotner and Mayor Hooker.