

AGENDA  
COMMON COUNCIL REGULAR SESSION  
7:30 PM, WEDNESDAY, JULY 19, 1989  
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES FOR JULY 5, 1989

- VI. REPORTS FROM:
  - 1. Councilmembers
  - 2. The Mayor and City Offices
  - 3. Council Committees

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

- 1. Ordinance 89-23 To Amend Title 20 of the Bloomington Municipal Code Entitled "Zoning."

Committee Recommendation: Do Pass 8 - 0

- 2. Ordinance 89-29 To Amend the Zoning Maps from BL to BL/PCD and Grant Outline Plan Approval re: Southwest Corner of Winslow and Henderson (All American Family Storage, Petitioner).

Committee Recommendation: Do Pass 5 - 1 - 2

3. LEGALLY ADVERTISED PUBLIC HEARING FOR:

- Ordinance 89-24 To Fix the Salaries of all Elected City Officials.
- Ordinance 89-25 Salary Ordinance for Appointed Officers and Employees.
- Ordinance 89-26 An Ordinance Fixing the Salaries of Utilities Employees of the City of Bloomington, Indiana for the Year 1990.
- Ordinance 89-27 Salary Ordinance for Police and Fire Officers.
- Ordinance 89-28 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation.
- Appropriation Ordinance 89-3 An Ordinance Establishing the 1990 Civil City Budget.
- Appropriation Ordinance 89-4 An Ordinance Establishing the 1990 Utilities Department Budget.

VII. LEGISLATION FOR FIRST READING

- 1. Ordinance 89-30 To Amend Titles 6, "Health and Sanitation," 12, "Streets, Sidewalks and Storm Sewers," and 15, "Vehicles and Traffic," of the Bloomington Municipal Code.
- 2. Ordinance 89-31 An Ordinance Amending Title 4, "Business Licenses and Regulations," of the Bloomington Municipal Code.

VIII. PRIVILEGE OF THE FLOOR (This section of the Agenda will be limited to 45 minutes maximum, with each speaker limited to five (5) minutes)

IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, July 19, at 7:30 P.M. with Council President Regester presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
JULY 19, 1989

Roll Call: Kiesling, Hogan, Gardner, Regester, Young, Service, White, Fernandez      Absent: Olcott

ROLL CALL

Regester read the agenda summation.

AGENDA  
SUMMATION

The minutes of July 5, 1989 were approved by a voice vote.

APPROVAL OF  
MINUTES

Service announced that the house located at 214 East 7th St. would be given by the First Presbyterian Church to anyone willing to haul it away from its current location.

MESSAGES FROM  
COUNCILMEMBERS

Gardner described a one-car automobile accident she had recently witnessed where children were thrown out of the car. She urged parents to make sure their children's seat belts were fastened.

Kiesling presented the City's new recycling logo and thanked the Herald-Telephone for including the logo in its recycling announcements. She reported that Krogers was now using plastic grocery bags that were suppose to be environmentally safe. While these are an improvement over the plastic bags used previously, she urged consumers to ask for paper bags, which are still superior in terms of environmental impact. She thanked WFIU for running public service announcements containing recycling suggestions. She reported that the Solid Waste Committee would soon be receiving proposals for a recycling center and suggested that, while such a center has been discussed for over ten years, the community should now take such proposals seriously. She suggested to the City administration and the Council that they consider coming up with some proposals to start collecting fees for trash pickup service due to dramatically higher landfill costs.

Fernandez asked if there was still a vacancy on the Plan Commission. Planning Director Tim Mueller responded that there was still a vacancy and that it was a mayoral appointment. The Mayor was accepting applications and that in accordance with the Municipal Code the appointee must be a resident of the City or the two-mile fringe and could not be a Democrat.

It was moved and seconded that Ordinance 89-23 be introduced and read by the Clerk by title only. Motion was approved by voice vote. Acting Deputy Clerk McNamara read the ordinance.

LEGISLATION  
FOR SECOND  
READING  
AND VOTE

It was moved and seconded that Ordinance 89-23 be adopted.

ORD. 89-23  
TO AMEND  
ZONING CODE

Gardner reported the Committee's 8-0 do pass recommendation and read the synopsis.

Proposed code changes were recommended by the Planning staff. Planning director Mueller said the motivation for the recommendations was a recent trend to convert lots in multi-family zones formerly occupied by single-family dwellings to multi-family dwellings with high bedroom counts. The changes the Ordinance would make in the Code regarding parking, side yard, rear yard, parking setback, and open-space requirements for multiple-family dwellings were described.

Young asked why there was no rear yard setback requirement currently for the RH zone. Mueller said he could think of no possible rationale and that it may have been an error.

Gardner asked if there had been any response from the apartment owners' association. Mueller said he had had none but that the Council Administrator-Attorney had received a question asking how the Ordinance would apply to projects already in the mill. Mueller said that anything for which formal application was made under the old regulations will be vested under those old regulations. Something that occurs as an application after the new regulations are adopted and signed into law will go by the new regulations.

Kiesling thanked Mueller for bringing the proposed changes for approval and that they were a step in the right direction.

White said the changes were long overdue. Many of the problems Mueller referred to were occurring in the neighborhoods surrounding the University. The Ordinance was an example where University concerns, student concerns, and the concerns of long-time residents have been brought forward and could be addressed. Neighborhood input received in April about a specific project of the type Mueller referred to served as further impetus. A representative of IU student government and a neighborhood resident spoke in favor of the proposals at the Committee meeting last week. The proposals also had public safety benefits in that there have been real problems with street and parking lot congestion. The proposals could be adjusted if necessary later.

The ordinance received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 89-29 be introduced and read by the Clerk by title only. The motion was approved by voice vote. Acting Deputy Clerk McNamara read the ordinance.

It was moved and seconded that Ordinance 89-29 be adopted.

Gardner reported the Committee's 5 aye, 2 nay, 1 pass, do-pass recommendation and read the synopsis.

Mueller described the site's location and the characteristics of it's current BL zoning. Planning staff feels the proposal is a relatively good one for the site since it is lower traffic and lower activity than is allowed under its current zoning. Various staff concerns were described. There were no sidewalk waivers in the proposal but staff might consider trading sidewalk locations to one of more utility to the City should the proposal reach the development plan stage. Aesthetic concerns were discussed but staff prefers that, in fairness to the petitioner, landscape requirements be left until the development plan stage.

Kiesling asked about the retail aspect of the plan. Mueller said the Winslow Road frontage would be BL retail. Kiesling expressed her reluctance to trade for off-site sidewalks due to those that have been approved, but have not materialized, in the past.

John Bender, a partner in All-American Family Storage, the petitioner, addressed the council and said he admitted this was not going to be a beautiful project.

ORD. 89-29  
TO AMEND ZONING  
MAPS RE: SW  
CORNER WINSLOW  
& HENDERSON;  
ALL AMERICAN  
STORAGE

What ever business goes into the site is going to have some undesirable aspects. No variance in sidewalks was being requested. The project was an opportunity for increased tax revenue.

Bender said that this was a real opportunity for the City Council to appear to be pro-development. So many times in Bloomington we've ended up in the very uncomfortable position of appearing not really pro-development. We need to send the signal out that we allow people to do things when they're the right thing to do. The project will improve traffic visibility and will have an undeveloped setback around the project. The Planning department has been very helpful.

Regester asked about changes that have occurred in the outline drawing since last week's Committee meeting. Bender said the evergreens had been changed to street trees. Regester asked about some other markings on the drawing. Bender said they were suggestions of planters, although he was not sure that was the way to go.

Regester suggested that the project not be over-landscaped for the sake of sight-distance. One of the benefits of the project was that it would clear out the Winslow and Walnut St. intersection where there has been some difficulty with the driving pattern and that to increase the sight-distance looking back east on Winslow would be an extreme benefit. Regester said he favored off-site sidewalks to get some additional utility by hooking up with the existing network.

Gardner stated that she'd prefer sidewalks around the site, rather than off-site.

Nancy Denton, president of the Sherwood Oaks Association, addressed the council and described the association's purpose. She said the project had been discussed and there were concerns about safety and environment. She said she was happy with the changes that were made in the last week but was still concerned about safety. She reminded the Council that this was a school zone and the High School was nearby. There is a lot a pedestrian traffic in the area, including those coming from Willow Manor to the grocery stores. She stated she was a property owner and was interested in keeping property values up in the area.

Ira Zinman, a property owner in Sunny Slopes, addressed the Council. He expressed concerns about traffic and aesthetics. He asked about the procedure the petitioner would have to follow to receive a temporary waiver of sidewalk requirements. Mueller explained that, if requested, it would have to be approved by the Plan Commission when the petitioner sought development plan approval. He restated that no waivers were being requested at this time. Zinman echoed Denton's observation about the degree of pedestrian traffic and made suggestions as to the best configuration for sidewalks in the area. Zinman thanked Bender for his responsiveness to property owner concerns.

Fernandez asked about the proposed heights of the buildings in the project. Bender said 9 to 10 feet.

Hogan said the Council was expressing several different preferences regarding sidewalks for the project. Hogan said that, regardless of who built them (the City, the Redevelopment department, or the developer) there should be sidewalks on both sides of the streets surrounding the project so as to insure a continuous network and that maybe the Sidewalk commission could

come up with creative ways to fill in the off-site gaps. Mueller responded that in general the City is requesting sidewalks everywhere and those few changes that have been made in recent developments are those that attempt to substitute sidewalks of greater utility for those that would be less useful. He said the City is not engaging in much sidewalk waiving these days.

Reger asked Mueller at what stage the options of reallocating sidewalk linear-footage installation should be considered. Mueller suggested that the development plan approval stage would be the most appropriate point. Not knowing precisely when the property would actually be developed make this even more appropriate. Reger clarified that sidewalk requirements for the entire perimeter of the project are therefore intact in the current request.

Kiesling asked when the area was zoned BL. Mueller said it was probably the 1973 rezoning and that prior to that it was probably one of the old business zones. Kiesling asked what happens if the project does not go ahead. Mueller said that the PCD designation is binding and that any change to the outline plan would have to get Council approval. There is no time limit on the PCD. Reger stated that the Council, of its own initiative could consider rescission of the PCD after eighteen months.

Fernandez said he appreciated Bender's comments about the kind of signals the Council may or may not be sending about its outlook on growth. However, he said, he was not interested in signals regarding growth for growth's sake, but those that encouraged quality growth, growth which was aesthetically pleasing and contained community benefits. The approval or disapproval of the current request would not be an indication of the Council's views on growth in general. He disagreed with Bender's earlier assertion that the request was not a rezoning. Fernandez said he had problems with the Ordinance. Ordinance-23, approved just prior to this one, was done to address concerns about the overdevelopment of sites. Yet the proposed project is an example of trying to squeeze more into a piece of land in order to get more economic value out of it. It seems inconsistent to change the regulations to gain more open space in one type of zone, and then turn around to this project and approve more development than is allowed by its zoning.

The ordinance received a roll call vote of Ayes: 5, Nays: 3 (Service, Fernandez, Kiesling).

Kiesling commented that she voted Nay because she felt that the project's neighborhood was one where greenspace could be provided.

Bender said he appreciated that the Council's comments and its vote.

Reger announced that this was an advertised public hearing for the following Ordinances:

1. Ordinance 89-24 To Fix the Salaries of all Elected Officials.
2. Ordinance 89-25 Salary Ordinance for Appointed Officers and Employees.
3. Ordinance 89-26 An Ordinance Fixing the Salaries of Utilities Employees of the city of Bloomington, Monroe County, Indiana for the Year 1990.
4. Ordinance 89-27 Salary Ordinance for Police and Fire Officers.

PUBLIC HEARING  
FOR:

ORD. 89-24  
ORD. 89-25  
ORD. 89-26  
ORD. 89-27  
ORD. 89-28  
APP. ORD. 89-3  
APP. ORD. 89-4

5. Ordinance 89-28    An Ordinance Reviewing and  
Modifying the Budget of the  
Bloomington PTC.
6. Appropriation Ordinance 89-3    An Ordinance  
Establishing the  
1990 Civil City  
Budget.
7. Appropriation Ordinance 89-4    An Ordinance  
Establishing the  
1990 Utilities  
Department Budget.

For each of the above Ordinances, the title was read by the Acting Deputy Clerk, after which Regester read the synopsis and solicited public input.

Only Appropriation Ordinance 89-4 received public comment. David Schalk addressed the Council. He objected to the budget's addition this year of a \$100,000 Contribution in Lieu of Taxes to the City from the sewer portion of the Utilities budget. He said that millions of dollars from that fund has already been spent on PCB-related litigation. The Utilities department's PCB problems are confined to the Winston-Thomas sewage treatment plant. The result of the litigation regarding that plant was to have it padlocked and it is uncertain when it will be cleaned up. Any lawyer in town could have obtained this settlement and it was unnecessary to spend millions of dollars to get it. The reason so much money was spent on the litigation was that the City of Bloomington did give permission for capacitors to be dumped at the Lemon Lane site and this was perceived as a serious legal problem. Yet the sewer budget is the budget from which all payment to Karaganis and others came. Schalk stated he was not proposing that the City reimburse the sewer department for these legal fees, although it would be a good idea. But the additional \$100,000 assessment against the Utilities department is unseemly.

Kiesling commented that she found it frustrating that there was no public comment on the budget other than Schalk's and that the amount of public notice regarding the hearings was inadequate. We need to do a better job letting the public know about the hearings.

White said the usual media outlets have not covered the budget hearings as well as they do the regular Council meetings. Perhaps this is due to the complexity of the budget process.

Kiesling said she appreciated that, but that perhaps a separate news release may be appropriate.

White said he agreed with Kiesling's sentiments and was just putting forth a possible explanation for the lack of media coverage.

Hogan suggested the Herald-Telephone be asked to publish the budgets that would be reviewed.

White said he agreed with Hogan and that the Council needs to hear from citizens that use City services.

It was moved and seconded that the following ordinances be introduced and read by the Clerk by title only for first reading before the Common Council; motions were approved by voice vote, the Acting Deputy Clerk read the Ordinances, and synopses were read by Regester:

LEGISLATION  
FOR FIRST  
READING

Ordinance 89-30            To Amend Titles 6, "Health and

Sanitation," 12, "Streets,  
Sidewalks and Storm Sewers," and  
15, "Vehicles and Traffic," of the  
Bloomington Municipal Code.

Ordinance 89-31

An Ordinance Amending Title 4,  
"Business Licenses and  
Regulations," of the Bloomington  
Municipal Code.

PETITIONS

David Schalk (former City Chemist) said he had some shocking information and was making a plea for action. He reminded the Council that by law they set policy for the Utilities Service Board and the Utilities Department. In 1983 Ron Smith and he discovered the presence of a small, unalarming amount PCB's in the sediment outside the City's water intake tower and in the water. City reaction was to ask who knew about this and Schalk told them a few people. The next day the Mayor issued a press release stating that she had ordered them to test for PCB's and all that was found were background levels which you would find anywhere, both of which were false statements. He was not saying that the Mayor intentionally lied. As Schalk continued testing it became apparent that it was the City's PCB's in the lake. The City's reaction was to order him to stop and never again test and to put the City Chemist position under the authority of the Dillman sewage treatment plant where he was to be watched to insure he did not test the lake again. Then the City said that the results of the test were inconclusive and nothing has been posted at the lake. The City did not take advantage of an opportunity to set up a joint testing lab with SPEA that would not have cost the City any money.

Some new information has come to light, according to Schalk, regarding a conflict of interest for a former president and current member of the Utilities Service Board (USB), Gary Kent. The conflict comes from Indiana University's Kent Farm, located in Lake Monroe's flood plain, where IU dumps toxic metals and radioactive waste. When waters are high the water comes up onto the farm. Kent Farm is owned by IU and Gary Kent is the head of the IU physical plant. Gary Kent has reasons to prevent the City Chemist from analyzing sediment samples taken from Lake Monroe. One reason may be to protect his family's interests, another may be to protect the interests of IU. He (Schalk) is not saying the Gary Kent has acted upon these reasons, but that he has them and they conflict with his duty to protect the water we drink.

Schalk said that when he leaves this town he wants to leave the City Chemist's job and the city lab the way he found it, including the restoration of the salaried assistant and the removal of the position from the authority of the sewage treatment plant. The City Chemist should be ordered to protect Lake Monroe as the source of the city's water supply. The lake was built primarily for flood control and secondly for recreation. If we don't protect it, no one will. If the water was tested and toxic materials were detected in the sediment, the lake could be lowered and the materials removed. But if you wait until the materials get into the system, it's too late and you'll regret it.

Schalk said he had sent Councilmembers copies of his letter to Lindley Pearson and proceeded to describe it. Pursuant to 13-6-1-1 of the Indiana Code, within the next 180 days, public state hearings will be held



regarding these matters. It is the State's discretion as to who will hold the hearings. Should the state not hold hearings, under Indiana law Schalk can proceed in court in the name of the State of Indiana. The name of complaint he will file will be captioned State of Indiana versus Tomilea Allison, the Common Council, and the Utilities Service Board. Schalk said he may lose in the hearings or the court, but that he will pursue this until defeated by the people of Bloomington. If people want to reelect officials after this, he'll accept that. But he won't accept anything short of that.

Service asked if anyone tests the Lake regularly. Schalk said he didn't know of anyone who did. John Langley, Projects Coordinator for the Utilities Department, said the Department of Natural Resources regularly tests the PCB content of fish coming from the Lake. Such test data do not indicate a PCB problem in the Lake at this time.

Gardner asked how often they test. Langley said he wasn't sure but thought it was every two or three years. Gardner asked if they tested for anything other than PCB contamination. Langley said he thought they test for a pretty broad range of contaminants but wasn't sure which ones. Gardner asked Langley to provide the Council with the information from those tests.

Langley said the City was proud of the water product from Lake Monroe which meets and exceeds federal standards. The City had received notice of Schalk's intent to sue on these matters. It is no secret that Schalk and the USB have had philosophical differences on these issues for four to five years. The USB believes that Schalk's position in this matter has no basis in reality and may be precipitated with his previous unsatisfactory employment tenure with the City. The notice of the intent to sue makes numerous unsupported allegations that may in fact be libelous. Beyond this our attorneys have asked us not to comment.

Schalk stated that he is not saying that the water is radioactive or that it contains level of PCB's that upset him. What he is talking about is obtaining early warning of potential threats to the water and that orders that have made to the City Chemist are totally wrong and may be based on conflicts of interest. He still drinks the tap water.

Service said the Environmental Commission has a report on this matter.

Gardner asked Langley whether other communities monitor their water sources, or just the finished product. Langley said he understood that most communities do it the same way we do.

Leola Wolfe addressed the Council. She said she was the one who brought the things to Kevin of the Environmental Commission. She started looking into the PCB contamination of Lake Monroe about a year ago. She has lived here for thirty years and she started digging around based on stories her father, who is from the Lake area, told her. She wrote the Nuclear Regulatory Commission, the Department of Energy, EPA, Department of Defense, Department of Army, Indiana University, and other state and federal agencies concerning Lake Monroe. She found indications and proof of chemical and radiological burials at Lake Monroe by IU. She and other mothers were just trying to provide safe water for their children. She gave the Council a copy of the



letter she received from IU confirming the burial of radiological stuff at Kent Farm. When the water was low last winter, while they were working on the intake tower, she took photographs at the lake. There were several different steel drums, barrel-type things, in and around the area, under the water. There was a lot of really weird, white material floating on the water that she didn't think was normal and was told there was a possibility that these things could be from low-level radioactive waste. She sent the photographs to the Nuclear Regulatory Commission and they have responded with much concern and said they would be looking into IU's practices in the past. IU cannot answer anything beyond the late 60's. They don't know what they've done with the rest of it, they don't have maps, they didn't keep any records, they don't know what kinds of chemicals, the amounts or anything. So it seems to her that somebody in this town, or in this state, or in the federal government should be more concerned about the water here. It's all we have and if it gets contaminated there may not be anything we can do about it by the time we find out. Her father told her the military use to come in, dig trenches, and bury things down in that valley in the 40's, the 50's, and the 60's. She wants to know what is in the Lake and why aren't the interests of the people protected by more safe policies as far as protecting that water, monitoring it on a regular basis by the people here in Bloomington. We're the ones who have our water source to lose. IU doesn't care, she doesn't think. IU says they've been monitoring and that the surface was fine. She doesn't feel good that she didn't know about Kent Farm before this. The city, the county, the state, and EPA have worked very hard trying to expose all the Westinghouse PCB sites but PCB's are not the only thing we have to worry about. She hopes the Council will look into this and provide us with some answers that we can accept.

Regester thanked her for her comments and asked that she make available for the Council any documents she may have.

Jeff Sagarin addressed the Council. He said he was a tenant in a rental unit in Bloomington. He wanted to read a statement and then ask a question: "Recently I have been the victim of a shocking, outrageous, and totally unacceptable violation of my rights to equal protection under the law in the fourth amendment of the Bill of Rights's guarantee of freedom from search and seizure in my own residence. In a recent City housing inspection of the apartment building that I live in, I, a tenant, was cited by the city inspector for not having my kitchen and bathroom clean enough and neat enough. Remember now that my landlords had no complaints at all about how I lived in my own apartment and in fact have always offered me a new lease every year since they owned the building, for about eight years. Who the heck is the government to come into people's residences and tell them to clean up ring-around-the-bathtub. The government employees, which include the Mayor and the City Councilmembers, should always remember that they work for us, we do not work and exist for them. If I were suspected of being a dangerous criminal, the police would have to get a warrant issued by a judge, with their showing just cause before they could enter my residence. But the City Council simply passed a Bloomington Housing Code which completely supersedes the United States Constitution and by Administrative fiat declares that Bloomington housing inspectors now have the right to enter rental people's dwellings, even against their

will, and then to boot, order the tenant to be neat, clean their bathtub, kitchen counter, etc. under pain of legal punishment. I was told by Mayor Allison that this situation was for my own good and that the City government was just trying to protect me. Well I don't feel protected by my government at all. I feel threatened by a local government which has written a set of local laws which gives it the right to have strangers walk into my residence, whether or not I am even present, and whether or not I want them in there in the first place. I'm willing to concede that a landlord has a right to ask that a rental unit be kept in a certain condition, but the government has no such right. In my own particular case, my landlords, who would certainly have their own property interest at heart, had absolutely no problem with my treatment of my rental unit. The City government simply decided that it has the right to order tenants to be neat and to tow whatever taste line the City chooses to create inside the tenant's dwelling. What's interesting is that the City Council made this law applicable only to rental dwellings. Perhaps it instinctively realized that the first time a City inspector entered a privately owned residence and ordered the owner-dweller to be neat and to clean up bathtub ring, that they, the City Council and Mayor, would be voted out of office. I've been told in conversation with Pam Service, my Councilwoman, that what happened to me definitely was not the intent of the Council when it enacted this code. I would request that the original intent of the Council be honored and this kind of abuse of power in the Council's name be specifically and immediately prohibited. The arrogance of power is a very dangerous thing and besides, it is against the law...[gap]...to not clean your bathtub. The fact it only applies to rental dwellings, but you wouldn't go into a person's home and tell them that, is unequal protection under the law."

Corporate Counsel Linda Runkle responded to Sagarin's statement. The housing code ordinance is an administrative ordinance set up for the protection of the health, safety, and welfare of tenants and owners of rental property. Appointments are made in advance to inspect the property, generally set up with the landlords, and the landlord usually makes the appointment with the tenants. The City can get a search warrant to come in, although it is of a different kind than the type Sagarin discussed, which is probable cause for criminal activity. The U.S. Supreme Court has said that administrative searches are permissible when you have an administrative statute that's there to be enforced. Generally, when there is a citation regarding keeping an apartment in a clean and orderly fashion it is because the inspector is concerned that there might be a hazard. She said she understood how it might feel like an intrusion, but that the code was enacted for safety and welfare.

Service said that philosophically she agreed with Sagarin. The government has no business dictating lifestyles or housekeeping. To the extent that it potentially affects the health of only the tenant, it is not the government's business. However, there is a role for government if it involves public health and safety. She gave several examples where a lack of cleanliness could be a public hazard or detrimental to the property, another concern of the government. The problem is that the way the ordinance is written, such judgments are very subjective. It doesn't define what is meant by "clean and sanitary" and leaves it up to the inspector. An inspector given to a certain neurosis might be more aggressive in the issuance of citations.

What Service would like to do is put together an amendment to the code that clarifies the definition of "clean and sanitary" with some specifics that the housing inspector could cite.

Sagarin asked why the laws are not applicable to private homes and where it ends. If you are not free inside your own dwelling, you have no freedom.

White said there is a history regarding why we have tenant-landlord ordinances to protect both parties. He said Councilmembers would be willing to discuss the motivation for the Housing Code and its benefits. He thanked Sagarin for bringing this up.

Service said that to some extent the public health and safety issue does apply to private residences. If someone has reported that they suspect a hazard, the Health Board can send people to inspect. Since the City has inspectors in rental units as part of the cyclical inspections, they would be remiss not to report what they thought were hazards. We just need to be more specific in our definitions.


Hogan said that this is a good example of the issues that were raised regarding government intrusion when the Housing Code was passed. Lawmakers with the best intentions need to be very careful when such laws are written because the letter of the law will eventually be enforced and someone's rights will be abused. The housing code has produced many benefits but there are still things can be abused. Input on these matters is greatly needed.

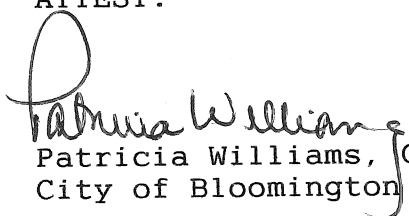
The meeting was adjourned at approximately 9:30 P.M.

ADJOURNMENT

APPROVE:

ATTEST:

  
James C. Regester  
President  
Bloomington Common Council

  
Patricia Williams, CLERK  
City of Bloomington