

In the Council Chambers of the Showers City Hall on Wednesday, February 19, 1997 at 7:30 PM with Council President Pizzo presiding over a Regular Session of the Common Council.

COMMON COUNCIL REGULAR  
SESSION

Roll Call: Banach, Mayer, Young, Pizzo, Service, Sabbagh, Pierce. Cole arrived at 8:35 PM. Absent: Sherman.

ROLL CALL

President Pizzo gave the agenda summation.

AGENDA SUMMATION

The minutes of February 5, 1997 were approved by a voice vote.

APPROVAL OF MINUTES

Mayer thanked the mayor for his swift response to the RCA Thomson announcement that they would be leaving Bloomington as of April 1, 1998. He then commented and said he disagreed with some current local billboards that say that government is the problem, free enterprise the solution and the RCA Thomson situation is a strong point about his position. Government is doing all and more than what could be expected to assist the RCA workers. He recognized the various city departments and community businessman Jack Leisz for their work in bringing a house on E. 10th Street under repair.

MESSAGES FROM  
COUNCILMEMBERS

Young said that once again the Board of Public Works has denied a request from a citizen for private trash pickup. Young reported on a tour of the new Bloomington Transit on W. Grimes Lane, saying it was a good facility and best of all, "it's paid for". He said he has talked with the College Mall management and they are willing to have an IU bus shelter placed on their property on College Mall Road. He is in the process of trying to expedite this facility for the many people who wait for buses.

Service also expressed regret over the RCA Thomson closing and hoped that we could recoup some of the financial loses we will experience as a result of their leaving. They have received a lot of support in the way of fiscal incentives and now they are leaving. She referenced an earlier council/community debate regarding NAFTA and whether or not the council had any business discussing national and international issues.

Sabbagh commended Congressman Lee Hamilton, who this week announced that he would not seek reelection in 1998. After representing the 9th District of Indiana for 34 years, he will be missed. He too expressed concerns about the Thomson closing and commended IU's Jeremy Dunning for his quick expression of retraining support for RCA employees

Mayor Fernandez also commented on the RCA Thomson plant closing and read a press release that was issued that morning, noting the joint efforts of the city and county and others in the community working together to resolve the many problems we face together as a concerned community.

Pizzo thanked the mayor for his leadership and recalled when RCA had over 6,000 employees and year after year they have downsized. He said we must look at this as an opportunity for new industrial and more permanent options for our citizens/workforce.

It was moved, seconded and approved by a voice vote that the following persons be reappointed to the following board and commissions:

APPOINTMENTS TO BOARDS  
AND COMMISSIONS

Environmental Commission	Jim Capshew
	John Neel
	Marc Lame
Human Rights Commission	Steve Sanders

Womens Commission  
BZA \*\*

Mary Ellen Keen  
Joyce Wilson

\*\* Appointed as a proxy for the February 26, 1997 meeting only, to replace Marc Cornett who has filed a Conflict of Interest.

It was moved and seconded that Resolution 97-1 be introduced and read by title only. Clerk Williams read the legislation by title only.

It was moved and seconded the Resolution 97-1 be adopted. The synopsis and committee recommendation of Do-Pass 9-0 was given.

LEGISLATION FOR SECOND  
READING/VOTE  
RESOLUTION 97-1

There were no pertinent questions or comments.

The resolution received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Ordinance 97-8 be introduced and read by title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Ordinance 97-8 be adopted. The synopsis and committee recommendation of Do-Pass 9-0 was given.

ORDINANCE 97-8

Mike Carmin, representing the petitioner, said that the whole Tarzian property is actually three separate parcels and only one parcel is before the council tonight for this rezoning request.

Pierce asked when the city plans to review the master plan/zoning ordinance and will parcels such as this be reviewed at that time.

Don Hastings, Plan Director, said that the review will begin in 1997 with most of the update to actually be done in 1998. Identification and review of particular areas, public hearings and meetings will take place in order to update the Master Plan. Subarea plans may be called for, in areas such as this, and general transportation and land use trends will also be considered. Right now it needs to be determined how broad brushed the rezone process might be and hopefully future rezoning that takes place "in a vacuum" can be avoided.

Toni McClure said that there have been no recent discussions with adjacent residents regarding this proposal and earlier questions have been answered or resolved. Jim Lang from Animal Control and DNR staff have walked the site and only one deer was sighted at that time.

The ordinance received a roll call vote of Ayes: 7, Nays:0.

It was moved and seconded that Ordinance 97-3 be introduced and read by title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Ordinance 97-3 be adopted. The synopsis and committee recommendation of Do-Pass 6-0-2.

ORDINANCE 97-3

Susan Montgomery, Legal Department, said that this ordinance includes some of the "fine tuning" points that are necessary now that the 2 mile fringe is in the county zoning jurisdiction. The ordinance also corrects some of the board and commission appointment and residency provisions as warranted by the zoning ordinance and other departmental changes.

Service pointed out the need for a county Environmental Commission and urged them to do so along with another department/commission that would address rental housing inspections.

Young also added that affordable housing concerns be kept in mind when

these departments or commissions are established so as to not drive up the housing costs in an unnecessary way.

The ordinance received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Ordinance 97-4 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 97-4

It was moved and seconded that Ordinance 97-4 be adopted. The synopsis and committee recommendation of Do-Pass 7-0-2 was given.

James McNamara, Deputy Clerk, referenced points raised at last weeks Committee of the Whole meeting and said the administration is very enthused about the mission and goals of the new Housing Department and Neighborhood Development and that success depends on many different partnerships, particularly the private sector. The mayor recruited an individual with just such a background and was delighted when that person agreed to serve. Mr. McNamara believed that the positions did not need to be posted because they were policy making positions and he thought that was the relevant criteria that determined the need to post and he advised the mayor accordingly. The vacancy was not posted and he was wrong, last week when he said that posting in all policy making positions was discretionary. After much discussion, he has seen the error of his ways, and it has been pointed out that policy making responsibilities is irrelevant to the posting requirement. The relevant variable is tenure vs non tenure or as delineated according to the city pay plan. Those positions that are "Pay Grade 500 or above are the only non tenured positions". Only department heads hold these non tenured positions. Accordingly, with the exception of these positions, it is the administrations policy to abide by all the posting and advertising regulations as stated in the Personnel Manual of the City of Bloomington. The administration stands by the qualifications of the individuals within the workforce and, he noted, persons will not be disqualified from possible employment just because they happen to know the mayor. He said he regretted any concerns, confusion or misconceptions his comments may have caused and said that these mistakes would not be repeated.

Banach asked where the city is left, with this 400 level position that was filled without the proper advertising. McNamara said that someone could file a complaint with the EEOC if they were interested in doing so.

Sabbagh said that the issues were raised last week before the unfortunate Thomson RCA situation was announced, the personnel policies have been restated and affirmed and he was glad the hype and spin surrounding this are being put to rest and he commended the administration for making this firm and clear.

Service thanked McNamara for his statement, that government is a continual learning process and that he certainly answered questions that she had posed.

Mayer commented on todays HT article on this subject and noted that some of the information was just wrong in terms of earlier hirings and appointments as well as the most recent appointment of our new Fire Chief.

Sabbagh said no one raised the issue of personalities, or the mayor being able to appoint department heads. The only issue was tenure vs non tenure and everything else was extraneous.

Young thanked McNamara for the good statement and thought it was more

than enough of an explanation.

Keith Dayton, Personnel Director, was available for questions.

The ordinance received a roll call vote of Ayes: 8, Nays:0. (Cole arrived at 8:35 PM, during the discussion of this ordinance.)

It was moved and seconded that Ordinance 97-5 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 97-5 be adopted. The synopsis and committee recommendation of Do-Pass 8-0 was given.

ORDINANCE 97-5

It was moved and seconded that Amendment #1 be considered: Striking Section 6 Part C dealing with deleting the words "human resources" and adding "social" within that sentence and adding a new Part D, again deleting "human resources" and add "social services" in their place.

Amendment #1 received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Amendment #2 be considered: Amends Section 7 Part B deleting the first sentence, and changing and adding provisions for the Redevelopment Commission, the CDBG process and to make clear the intention that the Redevelopment Commission would continue to participate in the review process.

Amendment #1 received a roll call vote of Ayes:8, Nays:0.

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

It was moved and seconded that Ordinance 97-6 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 97-6 be adopted. The synopsis and committee recommendation of Do-Pass 5-2-2 was given.

ORDINANCE 97-6

Doris Sims, HAND Director, defined the provisions of this ordinance as outlined in the ordinance synopsis and discussed some of the programs she wants to implement: working with neighborhood associations, forums, and a housing survey of all the housing stock in Bloomington.

Sabbagh thanked Sims for the good job she is doing.

Cole supported the department's reorganization as a good focus on what we are talking about in the community. Her earlier concerns were if division heads were policy makers and that has already been addressed.

Service said it is important to title or define just what a particular department is responsible for, for it can all get lost in a hi-tech type of terminology and definition.

Mayer said the way our housing stock looks is important as an economic development tool and a process to maintain it should not be overlooked.

Pierce said he was pleased with the mayor's overview of each of the various city departments and that a real focus and re-evaluation of goals and missions of those departments was an essential process that needed to be done.

Banach had some real concerns about this ordinance, **namely** the advertising and posting of vacancies and the fact that the position is **now filled** and if

someone wishes to protest, they have to file with the EEOC. This isn't about micro managing departments but for the betterment of the community as a whole and while he did not support some of the appointments, the mistake was made, corrected and now it is time to move forward.

Young again talked about housing affordability and when we make people do certain things, then the cost/prices go up. More laws and more enforcement sometimes leave affordability in the dust.

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

It was moved and seconded that Ordinance 97-7 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 97-7

It was moved and seconded that Ordinance 97-7 be adopted. The synopsis and committee recommendation of Do-Pass 6-0-3 was given

Jeff Underwood, Controller, briefly discussed the salary changes that are requested. There were no questions or further discussion.

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

It was moved and seconded that the following ordinance be introduced and read by title only for First Reading before the Common Council by the Clerk. Clerk Williams read the legislation by title only.

LEGISLATION FOR FIRST  
READING  
ORDINANCE 97-9

Ordinance 97-9 To Amend the Bloomington Zoning Maps from RS 4.5 and I (Institutional) to PUD and Approve the Preliminary Plan re: 1208 and 1210 W. 8th Street (J. William Baus, Petitioner)

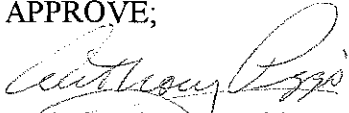
Jim Stinson spoke at length about a variety of topics: Jack Morrison's funeral was several weeks ago and he thanked everyone who attended his wake, concerns about job loss at RCA Thomson and as a Perry Township Boardmember they are ready to do whatever they can to help the employees, Thomson decision issues as they related to NAFTA, the pros and cons of NAFTA, loans to Mexico and the timely repayment of that loan, the importance of an interstate, the strength of the American economy, our good roads and interstates, and the hope that we can move on and solve the problem at hand.

PUBLIC INPUT

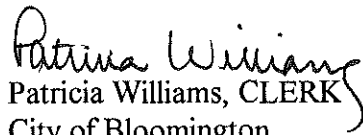
The meeting was adjourned at 9:15 PM

ADJOURNMENT

APPROVE;

  
Anthony Pizzo, President  
Bloomington Common Council

ATTEST:

  
Patricia Williams, CLERK  
City of Bloomington