

In the Council Chambers of the Showers Municipal Building held on Wednesday, November 20, 1996 at 7:30 PM with Council Vice President Cole presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
NOVEMBER 20, 1996

Roll Call: Banach, Kiesling, Young, Cole, Pizzo, Service, Sabbagh, Pierce. Absent: Sherman.

ROLL CALL

Vice President Cole gave the Agenda Summation.

AGENDA SUMMATION

The minutes of November 6 and 13, 1996 were approved by a voice vote.

APPROVAL OF
MINUTES

Service congratulated Council member Pierce on his recent election as Clerk of the Indiana House of Representatives.

MESSAGES FROM
COUNCIL MEMBERS

Cole also commended Pierce on his recently elected position.

Deputy Mayor McNamara said that the mayor was on his way to Chicago for meetings for the principals of the PCB Consent Decree. Clerk Williams read a mayoral proclamation thanking all board and commission members for their service to the community and proclaimed November 20, 1996 as Board and Commission Day.

MAYORAL MESSAGE

It was moved and seconded that the council exercise the authority granted the legislative body in accordance with IC 36-8-4-6.5 © and hereby waive the statutory requirement that the next Fire Chief have at least 5 years of continuous service with the Bloomington Fire Department immediately before the appointment.

WAIVER FOR FIRE
CHIEF

McNamara said that they have communicated with the council regarding this appointment and believe that Kathy Saunders will make the city proud of her service to the community.

Banach, while not doubting the qualifications of this candidate, said his concern was this candidates' lack of direct dealing and doings within the department. In terms of waiving this requirement for the Police Chief, that was a different matter, in that Jim Kennedy had a long record and relationship within the city. His main concern is that "the buck does stop with the fire chief and the chief gives final approval on standard operating procedures and while he doesn't doubt that the mayor has made a good choice, he was just having trouble at this time with this particular candidates' "field of experiences".

Service, having worked with Saunders as the Council Attorney/Administrator, said that she was capable, worked well with everyone and that her experience in the fire service in Kansas underscores those skills. There are tremendous advantages to bringing someone in from the outside with fresh eyes and ideas and she was looked forward to working with her as fire chief.

Kiesling said that the role of fire chiefs today is quite a bit different today than in the past and that the manner in which policy issues are addressed is also different today than in the past.

Sabbagh asked about why the 5 year requirement existed and Dan Sherman said the statutes don't address that specifically and Pierce said that historically it was probably passed in order to settle some "turf battle" in a particular community at some past date.

Cole was supportive of the appointment and wished her the best of luck, good wishes and looked forward to working with her.

The motion to waive the 5 year statutory requirement for fire chief received a roll call vote of Ayes:7, Nays:1 (Banach).

LEGISLATION FOR
SECOND
READING/VOTE
RESOLUTION 96-21

It was moved and seconded that Resolution 96-21 be introduced and read by title only. Clerk Williams read the resolution by title only.

It was moved and seconded that Resolution 96-21 be adopted. The synopsis was given.

McNamara said that this is an annual resolution dedicating funds from Municipal Building employee vending machines for use to finance the annual holiday party on December 13, 1996.

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

It was moved and seconded that Ordinance 96-07 be introduced and read by title only. Clerk Williams read the legislation by title only. ORDINANCE 96-07

It was moved and seconded that Ordinance 96-07 be adopted. The synopsis and committee recommendation of Do-Pass 4-0-4 was given.

Pizzo said that the purpose of this ordinance is education and it is not intended to be onerous, but one that will save lives and reduce the opportunity for injury. There are already 17 other states that have bicycle/helmet legislation and the Indiana state legislature will be considering this next year.

Dr. Carol Touloukian, a local pediatrician, spoke in favor of the ordinance and believed that this ordinance gives parents and kids the framework in which a good decision can be made regarding a real safety issue for parents and children. Helmets are effective in preventing injury. Education is important, but on its own, it just isn't enough. She discussed various injuries and long term effects of bicycle accidents, some minor some very very serious and tragic.

Banach asked if there were any statistics for Bloomington. Touloukian said that the numbers are small, statewide there were 19 deaths but did not know the specific Bloomington numbers.

Young wondered how this ordinance makes a child wear a helmet. Touloukian said it does work and probably makes parents take it all more seriously as well as giving the parents more clout and the chance to say, "it's the law". Young was concerned about "selective" enforcement or laws that are passed with the knowledge that they probably won't be enforced, but passed anyway.

Cole thought that if a lot of kids are wearing helmets, it then becomes the "in-thing" to do. She also thought that a certain amount of social pressure would occur, in that parents acting in a responsible manner toward the safety of their children.

Tim Henkle, Bike and Ped Commission, said that an educational campaign is planned for the schools in February with written materials designed and available to kids and parents.

Ed Terene, Paramedic with the ambulance service, spoke in favor of the ordinance and described the various injuries that can be prevented with the use of helmets.

Lou Westerfelder, also an EMT, echoed the earlier comments about injuries and what a lifesaver helmets can be.

Pizzo referred to letters from the Emergency Room Physicians as well as the Monroe/Owen County Medical Societies endorsing this ordinance as well as a \$1,000 donation from the Medical Society for helmets for families that need some assistance. The goal is to make it cheap enough as well as accessible enough for every child to have a helmet.

Jennifer Bass commended the council for being leaders and setting a standard for the rest of the state with the passage of this ordinance.

Jim Stimson, concerned citizen, said we have drug laws that are also on the books, but we do nothing about it in our schools. He also thought that if it was such a good law, apply it to everyone. There is a tendency to get involved in the parent-child relationship and also to fine us for absolutely everything.

Sherry Friley agreed with Rod Young and said that we need to respect the laws that we pass and that means passing them with the understanding that they will be enforced. She also suggested opening sidewalks to bicycle use and thought that would be safer for a lot of people, especially children, who ride bikes.

Randy DeCleene thought that the Bloomington Common Council was trying to micro manage the lives of Bloomington residents and that we need to enforce the laws we already have. He thought it was the parent's right to tell their children what to do, not the government. He thought the city should concentrate on the drug use and prostitution that takes place in Peoples Park and stop trying to micro manage the lives of ordinary citizens.

Christian Conwell (sp), Bloomington resident, thought there was a hypocrisy with some COUNCIL MEMBERS. He cited the pat down in Peoples Park last year as violating people's rights, but now the police can stop someone for not wearing a helmet. He asked why we aren't concerned about the skateboarders and the damage they do to various stairways and other areas of the city.

Marshall Poor MD, and local neurosurgeon, also supported the ordinance and said that a bicycle helmet is a minimal thing to require in light of the protection it provides. He thought the requirement should extend to motorcycles but that wasn't the question tonight.

Dr. Touloukian cited a Maryland study in which there was a 4% helmet use and after passage of educational legislation there was a 19% use and after a helmet law was passed there was a 47% increase in helmet use.

Cole hoped there was some way of making the cost of the helmets more affordable.

Michael Gavin, Bicycle and Pedestrian Commission member, said that the commission is working on this and that many of the helmet manufacturers are working on a process to make the helmets more affordable for more people. He talked about the Bike Rodeo the city sponsored this year and along with federal monies, the commission

will begin in earnest to address this issue. He said that 90% of the bike fatalities are from head injuries and 85% of those are preventable if someone is wearing a helmet. This isn't about drug use, skateboards, or broader issues; it's about getting helmets on kids.

Scott Tibbs spoke against extending this legislation to everyone and thought it would be a big expense for IU students and wondered why people are not more careful about observing all the other safety laws that are on the books.

It was moved and seconded that Amendment #1 changing the effective date of the ordinance to March 1, 1997 be considered.

Amendment #1 received a roll call vote of Ayes:7, Nays:0, Abstain:1 (Banach).

It was moved and seconded that Amendment #2 waiving the fine of the first violation with proof of helmet purchase be considered.

Amendment #2 received a roll call vote of Ayes:7, Nays:0, Abstain:1. (Banach).

Sabbagh asked where in the ordinance does it state that we are not going to enforce this? He also said that he disagreed that cyclists should be on the sidewalks. And as someone who supports the concept of a limited government philosophy, this isn't one of those areas and anyone who rides a bike should be wearing a helmet.

Service agreed with Sabbagh and said that the assumption of non-enforcement is a bit ill-founded. The Police did not say they won't enforce it, they simply said they would not be sending out patrols of bicycle police looking for kids without helmets.

Banach said he would support this if it was a resolution rather than an ordinance and that this ordinance is an infringement of personal liberty between parents and their kids.

Young felt both ways about it as a parent who thinks kids should wear helmets and as a Council member who thinks we should not be legislating this kind of personal behavior. He thought concentrating on things like bike paths would make more sense as well as be safer for everyone concerned.

Cole said that enforcement is not just about the police, but about everyone respecting the law as a way to build a better community. She hoped that officers would take an educational approach to the issue, stop kids when necessary and then remind them that a helmet is required. Bike paths and cyclists right are very important, but this is a first step in making us aware of protecting a cyclists legal right to be on the road. The cost of the helmets can be a burden to families with 3 or 4 children and she hoped that programs could be established that would simply help people who need assistance without developing another income level based assistance program.

The ordinance, as amended, received a roll call vote of Ayes:7, Nays:1 (Banach).

Note: Ordinance 96-48 has been withdrawn by the Mayor.

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

Appropriation Ordinance 96-5 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Council Office and Allocation for BCAT.

Ordinance 96-28 To Amend Title 8 of the BMC Entitled "Historic Preservation and Protection" To Establish a Historic District re: 414-424 North Morton Street (Historical Preservation and Study Commission, Petitioner)

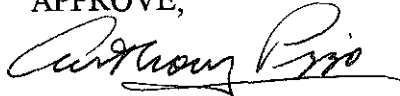
Ordinance 96-49 To Amend Title 15 of the BMC Entitled "Vehicles and Traffic.

Ordinance 96-50 To Amend title 15 of the BMC Entitled "Vehicles and Traffic, Re: Multiple Stop for Glendora and Fritz Drive.

There was no public input.

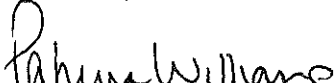
The meeting was adjourned at 9:30 PM and the Council recessed to meet as Committee of the Whole.

APPROVE;



Patricia Cole, Vice President
Bloomington Common Council

ATTEST;



Patricia Williams, CLERK
City of Bloomington