

In the Council Chambers of the Showers Municipal Building held on Wednesday, December 13, 1995 at 7:30 pm with Council President Kiesling presiding over a Regular Session of the Common Council.

Roll Call: Service, Pizzo, Kiesling, Cole, Hopkins, White, Bonnell. Absent: Sherman. Swain arrived at 7:50pm.

Kiesling gave the agenda summation.

The minutes of March 6 through March 30, 1995 were approved by a voice vote of the Common Council as well as an ecstatic City Clerk.

Service announced the newest items that can be collected as part of the recycling program as of January 1 next year. The pilot program was successful and so it is now going city-wide. She noted the increasing tendency to mix the political and the personal. It is possible to disagree with someone without personal attacks being exchanged and respecting people as individuals. (This comment is in reference to strong, intense comments that were exchanged after last week's council meeting.)

Pizzo thanked the councilmembers who will not be returning next year for all their hard work and efforts.

Cole said that often we forget to thank our school teachers for all they do for our children and the contributions they make to the entire community. She said that working with this council has been a tremendous learning experience and she thanked everyone for the opportunity.

Hopkins also thanked his colleagues and everyone for their support and assistance.

White commented on an idea of a constituent for a nature preserve in the Griffy area and perhaps the Schneider property that was part of the Browncliff annexation proposal could be utilized in this way. He asked Dan Sherman to look into this. As this is the last meeting for White, he thanked Department Heads past and current, Pat Williams, Tomi Allison, former council attorney Kathy Saunders and Dan Sherman who kept him 'afloat' during the eight years. He thanked all his constituents for their support and input and talked about the various programs and projects that have been accomplished.

Kiesling wished everyone the best of holidays and thanked everyone who has served our community over the past year.

Mayor Allison also thanked the council for their hard work and the creative efforts have resulted in new programs, projects and accomplishments for the city.

The Mayor stated that according to State Law if a selection of Police Chief is made from outside the actual department, and does not have five years experience in that same department it requires the consent of the Common Council.

It was moved and seconded that the council exercise the authority granted the legislative body in accordance with I.C. 36-8-4-6.5 (c) and hereby waive the statutory requirement that the next Chief of Police have at least five years of continuous service with the Bloomington Police Department immediately before the appointment.

Pizzo praised the choice of Jim Kennedy as new Police Chief for Bloomington. White also said that his work at the university brought him in contact with Kennedy and he too praised his skills and ability.

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

Allison took this opportunity to thank her department heads for all their support, all the good ideas over the years and all the hard work on behalf of the city.

Tom Klein reminded everyone about the need to remove sidewalk snow as soon as possible, the latest recyclables that can be collected and FINALLY the real purpose of his message: An Encomium for the mayor, created by a committee of devoted department heads, lauding her accomplishments and in particular highlighting her choice of sensible shoes.

Tim Sutherlin thanked the council for all they have done over the last four years, the phone calls that get returned, the willing response to whatever the request might be, the tough decisions that had to be made and the initiatives that have been undertaken.

MESSAGES FROM
THE PUBLIC

Barbara Clark commended Kirk White for his years of community service and thanked him for all he did for his constituents and said that after a little rest, he needs to be back next year.

Jeremy Crouch also recognized White for his support and hard work on behalf of students and the entire community.

Sean Cady also thanked White who has been his councilmember for the last three and a half years for his friendship and concern for students as people.

Jason Banach, newly elected councilmember representing District 2, also knew White as a dormitory floor fellow at the university and praised him for his friendship and support. Banach said he was looking forward to getting started as a new councilmember.

Myra Kinser thanked Mayor Allison for her years of service and also thanked White for his inspiration and kindness throughout the entire political process this past year.

It was moved and seconded that Ordinance 95-76 be introduced and read by title only. Clerk Williams read the legislation by title only.

LEGISLATION FOR
SECOND READING/
VOTE

It was moved and seconded that Ordinance 95-76 be adopted. The synopsis was given.

ORDINANCE 95-76

Matt Pierce, President of the Telecommunications Council said this is basically a technical correction allowing an informal process that would allow for a mutually acceptable agreement in which the bureaucratic processes could be shortcircuited. The opportunity for this "two track" system allows for more informal agreements. It doesn't preclude the more formal process, if desired, it simply allows for the more informal process if that is desired by the community.

Tim Sutherlin asked about current legislation working its ways through congress and how that might effect what we are doing here. Pierce explained some details of the legislation, basically noting that most of it is still up in the air but it will effect the "fringe," so to speak regarding the environment we'll operate in in terms of the next franchise agreement.

The ordinance received a roll call vote of Ayes:7, Nays:0 (Bonnell out of chambers).

It was moved and seconded that Resolution 95-31 be introduced and read by title only. Clerk Williams read the legislation by title only.

RESOLUTION 95-31

It was moved and seconded that Resolution 95-31 be adopted. The synopsis was given. Clerk Williams noted that attached to the resolution are the 15 recommendation put forward by the specially appointed commission.

Service reminded the council and community of just how long and hard this commission worked to come to agreement and understanding of these 15 recommendations. A number of these recommendation have already been implemented.

White said this was talked about in great detail during the campaign and he wished this had been forwarded to the council earlier. He addressed a number of points that he had incorporated into past press statements. He urged caution so that necessary functions of the police department not be impeded. He said that expanding the Board of Public Safety needs to be considered carefully because this narrows down the areas and focuses on the Board of Safety but thought that it should be done and would allow the board to be more diverse with more expertise.

Kiesling said the board has reviewed the recommendations and followed up on some of them. She also suggested that the standing committee become a community relations committee.

Hopkins pointed out that the committee was made up of the Police Chief as well as his Deputy as well as a number of young people from the community, ACLU, and Law School faculty members that came up with recommendations that everyone can live with.

Bonnell said the committee allowed a place for dialogue to occur and the recommendations were carefully debated, discussed and in many ways is very supportive of what the police department is trying to do in terms of training, hiring and understanding diversity in our community. He thanked IU Law School Professor Patrick Baude for the artful job he did in chairing this commission.

Swain said he had problems with the wording of the resolution and passing legislation with no binding force, with a new administration coming in and creating yet another committee that can create another group if necessary. Hopefully the new administration will make this unnecessary and redundant.

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Pizzo also thought that while this legislation is well intended, it smacks of micromanagement and given the new police chief, it seems premature and unnecessary to do this at this time. We need to give the new administration an opportunity to prove itself before we do this.

Tim Sutherlin expressed a variety of comments on a commission that would be formed to oversee implementation of the recommendations not to act as another layer of the bureaucracy. He said that one big problem is that there is no one person in the police department that deals only with complaints and investigates. An Internal Affairs Officer independent of the police chief might be a solution to this need.

The resolution received a roll call vote of Ayes:7, Nays:2 (Swain,Pizzo).

It was moved and seconded that Ordinance 95-74 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 95-74 be adopted. The synopsis was given.

ORDINANCE 95-74

Toni McClure, Planning Department, said the synopsis was an accurate and complete description of the new law. The changes are basically definitional, e.g. development plan instead of site plan, a common council can allow the staff to make set decisions on staff level approvals, recordable commitments on staff level as well as bonding on staff level approvals. Certain things can be done on a staff level if this authority is approved and it should be a much more user friendly process for the public. Other changes are purely semantic, and reflect just the basic difference in language. The only substantive change is allowing any interested party or aggrieved person to file an appeal with the Plan Commission on a staff level site plan decision.

Swain asked if this would have any impact on the Hearing Officer and McClure said no.

The ordinance received a roll call vote of Ayes:7, Nays:0 (Bonnell was out of chamber).

It was moved and seconded that Ordinance 95-71 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 95-71 be adopted. The synopsis was given.

ORDINANCE 95-71

Toni McClure described the tract and proposal under consideration. This proposal requests the incorporation of additional land into the existing PUD as well as converting the maintenance building/garage into 10 units with 5 as two bedroom and 5 as one bedroom units. The one bedroom units would be subject to rental restrictions for a period of 5 years similar to other units that are currently in place.

Steve Emery, representing the petitioner, verified that one entire acre will remain as green space now that the maintenance building will be converted into units. The footprint is almost the same and the original plan for

three bedroom units will not be implemented.

Mr. Pauley was present.

It was moved and seconded that the ordinance be amended clarifying the legal description to include the additional acre along with the full PUD.

The amendment 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 95-50 and Resolution 95-37 be tabled.

ORDINANCE 95-50
RESOLUTION 95-37
TABLED

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

It was moved and seconded that Ordinance 95-62 and Resolution 95-49 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 95-62
RESOLUTION 95-49

It was moved and seconded that Ordinance 95-62 and Resolution 95-49 be adopted. The synopsis and committee recommendation of Do-Pass 8-1 (11/27) and Motion to Table 8-1 (12/6) was given.

Jamie Brinegar, Controller's Office, said that the ordinance, and accompanying resolution, has been amended (per approval tonight) to exclude the Ramsey Farm from this area. Only Sare Rd is to be included in this annexation this evening.

It was moved and seconded to amend accordingly.

The motion to amend the ordinance received a roll call vote of Ayes:8, Nays:0

The motion to amend the resolution received a roll call vote of Ayes:8, Nays:0.

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

It was moved and seconded that Ordinance 95-55 and Resolution 95-42 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 95-55
RESOLUTION 95-42
TABLED

It was moved and seconded that Ordinance 95-55 and Resolution 95-42 be adopted. The synopsis and committee recommendation of Do-Pass 8-1 (11/27) and Motion to Table 8-1 (12/6) was given.

It was moved and seconded that Ordinance 95-55 and Resolution 95-42 be tabled.

The motion to table received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 95-61 and Resolution 95-48 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 95-61
RESOLUTION 95-48

It was moved and seconded that Ordinance 95-61 and Resolution 95-48 be adopted. The synopsis and committee recommendation of Do-Pass 7-0-1 (11/27) and Motion to Table 8-1 (12/6) was given.

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Chuck Ruckman explained that after discussion with landowners in the area reflected their opposition to the annexation as well as their intention to take legal action, we hope to come to an agreed position within the next few weeks.

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


There was no legislation for first reading.
There was no public input.
The last council meeting of 1995 was adjourned at 9:40pm.

FIRST READING
PUBLIC INPUT
ADJOURNMENT

APPROVE:


Jim Sherman, President
Bloomington Common Council

ATTEST:


Patricia Williams, CLERK
City of Bloomington