

In the Council Chambers of the Municipal Building held on Wednesday, July 7, 1993 at 7:30 P.M. with Council President Hopkins presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JULY 7, 1993

Roll Call; Sherman, Swain, Pizzo, Service, Hopkins, Miller, Cole, White, Kiesling.

ROLL CALL

The minutes of June 16, 1993 were approved by a voice vote.

APPROVAL OF MINUTES

Sherman commented again on the terrible state budget process as well as the terrible outcome. The solution to the budget woes seems to be riverboat gambling. It is sad that people are much more willing to gamble on a riverboat or buy a lottery ticket that will benefit themselves rather than do something with their money of a charitable nature that will benefit others. Service thanked all the 4th of July participants. She corrected a few recently publicized misconceptions about all the councilmembers being directly affiliated with IU. That is not the case and even if it were, most of the people in this community are connected with IU in some way, and the allegation regarding the high percentage of childless councilmembers is not true, in fact only one councilmember is childless.

MESSAGES FROM
COUNCILMEMBERS

White also thanked everyone involved with the parade, especially the American Legion for the fireworks display, the 175th Anniversary activities and the upcoming steam engine train event next weekend.

Kiesling congratulated Hilltop Gardens on their new facility and she commented on the terrible flooding in Missouri observed during a recent trip. Miller called attention to the beautiful children's art work hanging in the Council Chambers. It is the work of Bloomington and Leshan, China school children.

It was moved, seconded and approved by a voice vote that Michael Scott Hensinger be appointed to the Telecommunications Council to fill the unexpired term of Terri Simanton.

BOARD & COMMISSION
APPOINTMENTS
TELECOMMUNICATIONS

Evelyn Powers, 175th Anniversary Chair invited everyone to participate in the upcoming train ride this weekend.

MESSAGES FROM THE
PUBLIC

It was moved and seconded that Ordinance 93-25 be introduced and read by title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Ordinance 93-25 be adopted. The synopsis and committee recommendation of 7-0-2 was given.

LEGISLATION FOR
SECOND READING
AND VOTE
ORDINANCE 93-25

Bill Riggert gave a very brief description of changes to the code regarding parking, a new handicapped space and new hours for No Parking to accommodate the Farmer's Market on Saturday.

The ordinance received a roll call vote of Ayes:9, Nays:0

ORDINANCE 93-28

It was moved and seconded that Ordinance 93-28 be introduced and read by title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Ordinance 93-28 be adopted. The synopsis and committee recommendation of 8-0-1 was given. There were three amendments (A & B) that were discussed at the Committee of the Whole meeting last week. Amendment A was withdrawn, Amendment B was not discussed for lack of a second and Amendment C received a Do-Pass recommendation of 8-0-1.

President Hopkins explained the routine council discussion procedures and asked that people be polite and listen to all points of view on this agenda item.

White moved that Amendment C, adding these educational programs shall not be designed to promote or advocate any particular religion or sexual

orientation be introduced for council discussion. There was not a second to the amendment. It was not discussed.

Barbara McKinney, Human Rights Commission Director, gave a brief overview and history of the pending legislation. She attempted to clarify many points that have been raised these past few weeks. Many people seem to think that this ordinance directly addresses gay-bashing. This ordinance addresses institutional discrimination by landlords, employees, stores and restaurants. Gay bashing is done under the cover of darkness by individuals, not by institutions. We hope this ordinance will lead to a reduction of gay-bashing but it does not directly affect gay-bashing. Many people also think that because the ordinance mentions education, that the Human Rights Commission will be in the school system teaching about the homosexual life style. It is not in the ordinance and it does not call for that. Education means much more than just schools and that was what we were trying to get at. The first Commission hearing took place after a man was nearly drowned at Lake Griffy because some young men perceived him to be gay. During the hearing it became evident that gay-bashing is quite prevalent in our community. Following the hearing a report was generated with a number of recommendations including improved police reporting, better reporting by gays and lesbians about the bashings, changes in state law and because testimony indicated that most offenders are young male juveniles, educational efforts were recommended by family, community groups and schools, all working with young men. This report was given to the Common Council. A second hearing was held and people said they did not want education in the schools, but no one has offered an effective alternative. Public forums, on the topic, would not reach the male audience we are trying to reach, others say let the churches do it. They already do a lot of wonderful things but it is not enough. The problem is getting worse. This ordinance addresses discrimination and hopefully will reduce gay bashing. It does not give new jurisdiction over bashing, it does not tell preachers what to preach, and it does not outlaw free speech. It deals only with denial of equal access to housing, public accommodations, employment and education on the basis of sexual orientation. We have had the authority to do educational programs for 25 years on other forms of discrimination and we have never been criticized for any of those programs. Anything we do with education would be with community groups. We would not be going into the schools advocating or teaching about the homosexual life style. All we would be doing is addressing the denial of civil rights in discrimination.

Kiesling informed the Council President that the Police Chief and Fire Chief, present this evening have asked us to do some remediation with the crowd here this evening as we are in violation of the fire code. Hopkins asked people who do not plan to speak if they would leave the room, watch on hallway monitors, or watch it at home.

Steve Sanders also gave a brief overview of the Human Rights Commission hearings, reinforced Barbara McKinney's remarks and urged the community to understand what the Human Rights Commission was and is trying to do.

Swain attempted to explain how many people consider the Bible to be an important document and others consider other documents, like Shakespeare to be just as important to them as the bible.

At this point the meeting was recessed until 8:35 P.M. Upon returning to the Council Chambers, Hopkins announced that the meeting was being moved to the First Methodist Church at 4th and Washington Street and that Reverend Amerson had offered the facility, so as to accommodate the large crowd

gathered for the discussion. It was announced that the meeting, not carried live on BCAT would reconvene at 9:30 P.M. and would be rebroadcast on BCAT on their regular rebroadcast as well as request schedule. Please note that no audio tapes of the remainder of the meeting were possible and a VHS video tape will be retained as part of the official record.

The meeting reconvened at the First Methodist Church at 9:40 P.M.

Sherman commented on harassing remarks made by a passenger in a passing vehicle on his way over to the church and the fear he felt with that kind of remark being hurled at him. This ordinance recognizes that discrimination exists and it says to the public that we, as a community, will not tolerate discrimination and violence and will do what we can to reduce it.

Pizzo stated what he felt was the spirit of the ordinance and urged people to truthfully and honestly understand that this is what this ordinance is really about. He said he had received over 22 calls and with a few exceptions, people really did try to understand what he was saying as he responded to their call. He commented on recent clinical studies discussing the causative factors in homosexuality, noting that the cause is many faceted, but that we are obligated to protect the rights of all of our citizens.

Service thanked Reverend Amerson for allowing us to be here and urged people to remember that this is foremost a church and to respect it as such. She then said that she thought there had been consistent and in some cases, intentional misunderstanding of what this ordinance is about. She stated that she felt strongly that we were doing this simply because it is right. She also addresses the term lifestyle, how it is used a lot, and how inappropriate it is. This is not an ordinance on homosexuality, it is an ordinance about discrimination.

Cole urged everyone to be respectful and tolerant and thanked the church for allowing us to be there.

White commented on the Human Rights Commission hearings and said that nothing in the ordinance tells the Monroe County School Corporation what to teach or do or anything else. We do not have that authority. This ordinance only gives the Human Rights Commission the jurisdiction to deal with discrimination as it occurs in this area, now.

Kiesling reminded everyone that the most important thing is for parents to be involved in their children's lives as well as their education.

What follows is the public comment period for this ordinance. The public input section of the agenda lasted for almost 5 hours. Every effort has been made to provide the correct spelling of names for each speaker. Sometimes it was not possible.

1. Rick Sakasitz commented on names just being names and went on to develop an analogy on the term thespians (which he is) and what if he was discriminated against and hated because he was an actor.
2. John Ray discussed how the definition of discrimination has been changed over the years and wondered if in 30 years we would be witnessing the same kind of discussion about pedophilia.
3. Chase Sorenson said the real lesson we are talking about it that it is wrong to treat people differently. He urged passage.

page 4

4. DeeDee Dunn spoke against the ordinance as a landlord and how she was going to be forced to rent to people she did not want to rent to.

5. Dan Quilter presented a statement in support of the ordinance on behalf of the Unitarian Church saying that their congregation recognizes and embraces the entire human diversity.

6. Rev. James Manley spoke against the ordinance saying the Human Rights Commission, by discussing the homosexual lifestyle would be practicing discrimination. He went on to say that this ordinance would not withstand a constitutional challenge.

7. Gabriella Langdon, in supporting the ordinance, said that Christ came to bring love and compassion to the law.

8. Steven Coller spoke in support of the legislation.

9. Al Carpenter spoke against the ordinance and challenged the council to put this whole issue to a referendum and let the public decide once and for all.

10. Dennis Hill, a member of P-FLAG, a support group for parents and friends of gays and lesbians voiced his support for the ordinance.

11. David Taylor said he was concerned that this ordinance would be interpreted as a mandate for the school corporation and for the Human Rights Commission to push forward.

— 12. Linda Zambellini discussed the discrimination her Italian grandfather experienced and how he changed his name to Zeller in an attempt to discourage discrimination.

13. Eileen Roberts told the council of how she has been discriminated against and urged them to pass the ordinance.

— 14. Jay Foltz presented an IUSA resolution in support of the ordinance and urged the council to continue their efforts to end all forms of discrimination.

15. Dan Holtrop urged the public to vote this council out and elect a more representative council.

— 16. Kurt Sluder said that discrimination is morally wrong and urged the council to proceed.

17. Tim Baly spoke against the ordinance.

At 11:10 P.M. there was a 15 minute recess.

— 18. Otto Ray read numerous bible passages and quoted many statistics about homosexuals.

— 19. Myra Kinser, Crisis Pregnancy Center, voiced concerns as a christian and discussed health concerns regarding the homosexual lifestyle especially as it relates to AIDS. She also read the MCCSC Sex Education Policy to the council.

— 20. Rev. Brian Abernathy spoke against the ordinance, about the Barbara McKinney "agenda" to get books into the elementary schools dealing with

lesbianism. He opposed the ordinance because of the education component and that we were opening the door to bring our children into something they don't understand.

21. Byron Abernathy also spoke against the ordinance.

22. Rev. Jim Mahurin also spoke about Barbara McKinney's statements again and the particular agenda she has to promote the gay/lesbian life style. He too called for a referendum.

23. Tom Wilkinson said this debate is about morality, family, values and the real intent is to put some teeth into the law and implement an education program. He urged the council to pass Amendment C to cover the needs of everyone.

24. Jack Schmidt, representing Sherwood Oaks Christian Church opposed the ordinance.

25. Donna Ferree, while not a city resident, said that she devotes a great deal of her personal time volunteering for the city and that this ordinance needs to be voted on at a referendum

26. Candy Gardner read several biblical passages and urged the gay/lesbian members of the community to understand the pro life positions and how wrong their life style is.

27. Darren Overpeck said that no one is trying to convert or recruit members to the cause and the council should have discussed Amendment C.

28. Kelly McConnell said that homosexuality is a sin, that we already have laws to deal with violence, that this allows for an infiltration of attitudes and that we must fight a society that does not believe in right/wrong regarding sex and sexuality.

29. Brook Percifield spoke against the legislation.

30. Sherman Shuck, recently moved to Bloomington, said he was scared to put his kids in school here, that he knew many gays back home but he was still scared about what kind of city this was.

31. Mike Morrison talked about landlord concerns about renting to gay and lesbians and were they forced to have them for roommates.

32. Tom Salmon raised public health comments about the gay lifestyle.

33. Heather Tompkins thought there was more fear and hatred in this room than she experience in her 10 years in Bloomington.

34. Al Vlasman quoted Romans Chapter 1 and said we need to have an ordinance that people can understand. He thought we had opened a can of worms.

35. Jim Stinson thought the whole thing smacked of political correctness, raised the landlord/roommate question again and thought a system of mediation between gay basher/bashee might be a helpful suggestion to deal with the assaults.

36. Rodney Ward was very disturbed by the christian rhetoric of the evening

and urged the council to pass the ordinance for everyone.

37. Charlotte Zietlow, former councilmember and participant in the 1975 Human Rights ordinance discussion talked about the principles of equality and christianity, that God is love and yet we focus on some 20 passages from the bible that address everything but love. Discrimination is what is being addressed.

38. Wayne Worrall spoke against the ordinance.

39. Rev. David Blucher also spoke against the ordinance.

40. Robert Marselak provided his own definition of what a councilmember should be.

41. Dan McNeely urged the council to pass the ordinance.

42. Mike Penrod, a high school teacher, said that a person's rights extend only until they reach another's nose. He asked that the council defeat the ordinance.

43. Richard Burdett urged the council to adjourn the meeting, go home and think seriously about this and then vote against this legislation.

The council recessed for a 15 minutes time period and resumed the meeting at 1:20 A.M.

44. Steven Murdock was opposed to the ordinance.

45. Dennis Bault prayed and asked the council to defeat the ordinance.

46. Don Patton, from Green County spoke against the ordinance.

47. Roshy, a young woman, said that she did not necessarily agree with the christian thinking, but as a minority herself, she urged tolerance.

48. Tim Sutherlin told the crowd that just by showing up tonight does not make the group a majority. He urged the council to follow their own principles and sense of justice and pass the ordinance.

49. Brian Withem urged the council to pass the ordinance so that everyone would be in a safe environment.

50. Mike Kevitt said that a rainbow agenda does in fact exist, that the gay population does have a plan to push forward and that he is retracting his original support for the ordinance because the council did not amend Section 4 as discussed last week.

51. Regena Werum said that she was a Catholic, straight and in favor of the ordinance.

52. Deanna Aydelott said that when she graduated from high school, no prayer was allowed at the ceremony and she did not understand why this issue was more important than prayer.

53. Scott Emery said that discrimination was wrong and he discussed a number of points about homophobia that he was concerned about, but said that this ordinance was wrong too.

54. Julie Trimble opposed the ordinance.

55. Jonathan Miller also opposed the ordinance.

56. Linda Sneed spoke in support of the ordinance.

57. Pete Dunn apologized to Jim Sherman about the earlier remarks that Jim encountered as he walked over to the church for the meeting. He urged the council to leave the Human Rights Commission as it is.

58. Jeff Richardson, former councilmember, said that in 1975 only 5 councilmembers showed up for the meeting/discussion and vote. He urged the council and the community to give the ordinance a chance.

59. Jennifer Naylor also talked about not being able to pray in high school.

Kiesling spoke briefly about the need for the legislation and reminded everyone that this was an ordinance dealing with discrimination. She also informed the public that referendums are not allowed in Indiana.

White said that almost everything that could be said has been said. He said that it is important to respect everyone as we leave this meeting. He emphasized that NO WHERE in this ordinance does it promote or spell out education in the schools - that is the purview of the local school board. He talked of his own and family reaction when informed that a family member was homosexual and how that influenced his decision to support the legislation so that we can begin to end the discrimination in our communities.

Cole expressed concern about school curriculums that do not address violence toward others, that seem to make it "sort of all right" and urged people to be more kind to people even if they don't understand them.

Miller said this is civil rights issue just as it was a civil rights issue in Montgomery, Alabama 43 years ago and she wondered how far we have really come.

Service thanked the Methodist church for making their facility available, that we could have cleared the council chambers when the crowd did not clear the aisles as requested by the Fire Chief but that this was an effort to hear everyone out. She said she was appalled at the hate and demagoguery on both sides of the issue but was pleased that people were genuinely polite. She stated that she believed the role of democracies has always been to protect minorities and she applauded the 7 churches that did send a letter of support. Civil government has a responsibility to protect all of it's citizens.

Pizzo said that knowledge gives people freedom from fear and misinformation. He said that 34 years ago, the Human Rights Commission's role was to convince businesses in Bloomington to serve black people. This is an opportunity for government to extend the freedom from fear to all citizens.

Swain said that in many ways this is a historical precedent. He said he was sorry that so many people did not trust the council, the MCCSC or their own strength or guidance toward their own children. There is no hidden agenda, but this is an attempt to redirect the anger, fear, misunderstanding and intolerance in our community. We are voting on this because it is right.

Sherman said this is not about church vs non-church but people who support the ordinance and if this ordinance is necessary that it means that one group of our community is hurting.

Mayor Allison said there are strong emotions on all sides of this issue, but it is a civil rights issue, no more and no less. If passed this evening she said she

page 8

would sign it.

Hopkins said that this ordinance does not give any special rights to any special group of people.

The ordinance received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Resolution 93-28 be introduced and read by title only. Clerk Williams read the resolution by title only.

RESOLUTION 93-28

It was moved and seconded that Resolution 93-28 be adopted. The synopsis was given.

White moved that the resolution be amended to address the question of a referendum regarding this issue. The motion was seconded.

Hopkins said there are times when elected officials are forced to take a position because it is right and this is simply a resolution to urge the state to allow Human Rights Commission to function more completely.

Sherman said that while not opposed to the amendment in general, after living in Colorado he saw how this same kind of referendum issue tore the state apart and that in the end it was not good for the state.

The amendment received a roll call vote of Ayes:1 (White), Nays:8.

The resolution received a roll call vote of Ayes:8, Nays:1 (White).

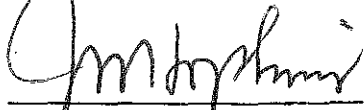
Kiesling thanked BCAT for their almost superhuman effort in taping the rest of the meeting as well as Rev. Amerson and the First Methodist Church.

The meeting was adjourned at 2:55 A.M. Thursday morning.

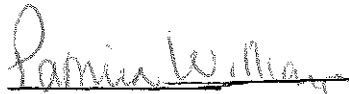
ADJOURNMENT

APPROVE;

ATTEST;



Jack W. Hopkins, President
Bloomington Common Council



Patricia Williams, CLERK
City of Bloomington

Approved on 28 July, 1993