

AGENDA  
COMMON COUNCIL  
SEPTEMBER 21, 1983, 7:30 P.M.  
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. PETITIONS AND COMMUNICATIONS
- VI. LEGISLATION FOR SECOND READING-VOTE
  - 1. Ordinance 83-49 To Amend the 1983 Salary Ordinance to Create the Postition of Working Shop Foreman.  
No Committee Meeting.
  - 2. Ordinance 83-50 To Transfer Appropriations Within the General Fund of the City of Bloomington. (Public Works and Police Dept.)  
No Committee Meeting.
  - 3. Resolution 83-36 To Authorize a Temporary Loan from the Parks and Recreation Fund to the Parks and Recreation Landscaping Grant Fund.  
No Committee Meeting.
- VII. INTRODUCTION OF ORDINANCE FOR FIRST READING
  - 1. Appropriation Ordinance 83-11 To Specially Appropriate from the Local Road and Street Fund Expenditures Not Otherwise Appropriated by the City of Bloomington. (Traffic Signal Project).
- VIII. MINUTES FOR APPROVAL - SEPTEMBER 7, 1983
- IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on September 21, 1983, at 7:30 P.M. with Council President Pro-Tem Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
SEPTEMBER 21, 1983

Councilmembers present: Morrison, Towell, Porter, Service, Murphy, Olcott, Gross.  
Absent: Dilcher (IACF meeting in Indianapolis).  
Hogan.

ROLL CALL

President Pro-Tem Service gave the agenda summation

AGENDA SUMMATION

Service commented on the recent public hearing regarding the County Council and the County's Animal Control problems and lack of funding for that department. She hoped that the council would reconsider their recent denial of funds for the good of the entire community.

MESSAGES FROM COUNCIL-  
MEMBERS

There was no Mayoral message.

MESSAGES FROM THE MAYOR

Mark Haggerty, a concerned citizen, addressed the many questions regarding the recent shooting of Denver Smith. Mr. Haggerty commented on episodes of past police brutality, that the Safety Board reviewed the incident, called for an investigation and then never interviewed any witnesses. An independent investigation, away from the Safety Board must take place. There is a good chance that Denver Smith was struck by a city truck. Perjury is going on here and there is a very good chance of some whitewashing. Haggerty asked that the Council consider appointing an impartial board.

PETITIONS AND  
COMMUNICATIONS

Tony White discussed an letter that he sent to the local newspaper (H-T) and questioned why the news paper chose not to publish it. He addressed the issue of a conversation reported between Denver Smith and a police officer regarding the term "boy" and the implications of that term.

Mike Andrews urged the Council to consider the importance of an independent investigation. If the investigatory board is to enjoy any credibility or the report itself is to be credible then the make-up of the board cannot be that of police officers, law professors, or all white. It should include someone who was close to the injured party and if the board cannot agree upon a conclusion, then a majority and minority report could be given. He urged the Mayor to appoint to the Commission a friend of the deceased and to interview all persons, neighbors, motorists who were in the area at that time, and that person who saw a city truck hit a pedestrian. Last year when there was a hearing, it was public, but questions were not allowed.

Mitch Rice said that the Council should think about the issue of police carrying firearms. Trained police should not feel threatened, and if Officer training emphasizes the use of a weapon and if the police have not used a weapon in thirty-two (32) years, why have them at all. In many countries the police do not carry guns. The police should be better trained in the use of the martial arts. If one man can take a gun from an officer with three fellow officers around, there is something wrong with the training process. Guns should be used only in special cases.

Another citizen who would not identify himself said that the police acted irresponsibly, irrationally and without professionalism. He said the community will not tolerate a token investigation. Officers are supposed to be trained and if something isn't done about this type of police action, people are going to take back the responsibility that they have willingly given over to institutions (the responsibility to protect us). People care about what goes on in this town and they are not going to let institutions rule their lives.

Theresa Killion asked that the Council consider her request for a horse and carriage service that she would like to provide for the community. Frona Powell said that a committee would be looking into the itinerant merchant licensing question and would be glad to work with Miss Killion regarding her request.

Brian Werth asked the council why they thought that the Denver Smith situation has remained so volatile.

Murphy said that the entire community is talking about something that has never occurred here - the loss of life resulting from a police action. He hoped that the integrity of the department could be maintained and that it is often difficult for the police department to police themselves. He advocated a commission to be formed to relieve the internal pressure and to dispel myths and rumors. This is not a community of hatred or intolerance, but as in other communities there are some problems in terms of race relations. Bloomington has institutional safeguards, the U.S. Department of Justice and the FBI are the best avenues to pursue. Murphy expresses concern that a citizens board would be unsure of all the facilities to explore, but foremost what must be stopped is all of the rumors that are flying around this community.

Service said that this is a shock to all of us - Bloomington does not have killings every day and we are stunned. The circumstances were not such that someone was apprehended in a criminal matter. The results seem out of proportion with what this individual was doing. This community is sensitive to a lot of human rights issues and concerns and the question has been raised regarding police behavior toward certain people in the community. We must realize that the public perception is that the Board of Safety will conduct an internal investigation that is inherently and unsatisfactory.

Micah Roseberry said that so many questions remained unanswered and that the Board of Safety will have a public hearing on Monday, September 26 here in the Council Chambers.

Mike Andrews said the real question is what happened and was the use of lethal force justified and why four shots. The best thing to come out of this hearing might be other rules and regulations that could lead to other procedures to be followed in similar situations.

Tony White addressed the question of the manner in which police officers address citizens - a simple Sir or Madam should be how they are trained to reply. White asked if Councilmembers Towell or Morrison had any comments.

Towell said that when he came on the Council he was the Council's representative to the Board of Safety. At that time the procedure was that the department investigated an issue and the Board of Safety dealt with their recommendation. Over the years it was rare that anyone took any effective action nor was an officer censured. The Board of Safety serves at the pleasure of the Mayor and thereby is not independent. There have been too many conflicting stories and Bloomington owes it to itself and to the police officers involved to have an investigation. Towell did say that he thought the Council had the power to subpoena, but that would be inappropriate for the council to do so.

Morrison said that he only knew what he read in the paper. What is disturbing is that four shots were fired from a 357 when a 45 automatic would tear a person's hand off. Morrison said that he found "some, if not all of it a little unreasonable or if you have men who do not know how to handle firearms. This should be investigated and we should have a civilian review board."

White asked Morrison if he thought that the police had used excessive force. Morrison said that he was against taking human life and that there are many ways to stop a violent person. A life cannot be given back.

Gross said that she served as representative to the Board of Safety and that the meetings were always public hearings and that during her tenure on the board, several police officers were disciplined for action taken in the line of duty. Gross also agreed with White that it was an extraordinary situation for Bloomington. White said that he felt that many persons considered it an "inevitable situation"

Mark Haggerty said that the local paper has done a very poor job with little or no investigative reporting.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 83-49 by title only. Clerk Williams read the ordinance by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 83-49. There was no committee report.

Pat Patterson said that this was a reorganization of fleet maintenance and had been considered early in the budget year.

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

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 83-50 by title only. Clerk Williams read the ordinance by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 83-50. There was no committee report.

Patterson said that the city plans to employ a custodial service. At this transition time there is one temporary employee and the public works department would like to proceed with the bidding process.

Gary Clendenning, of the Police Department, said that the telephone rates are higher than when the budget was developed and the transfer from fuels would cover the increased telephone cost.

Gross asked if custodial staff would be laid off. Patterson said that the individuals involved knew of the temporary arrangement when they were hired.

Werth asked how many persons were employed and Patterson said one person at 40 hours/week and two persons at 20 hours/week. Patterson said that he anticipated one permanent part time employee to be retained in order to deal with small, daily repairs and problems.

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

Olcott moved and Morrison seconded a motion to introduce Resolution 83-36 by title only. Clerk Williams read the resolution by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 83-36. There was no committee report.

Frank Ragan said the funds would be used to landscape the driveway and club house. The State Park fund had funds available.

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

INTRODUCTION OF  
ORDINANCES FOR SECOND  
READING:  
ORD. 83-49 TO AMEND  
THE 1983 SALARY ORD. TO  
CREATE POSITION OF  
SHOP FOREMAN.

ORD. 83-50. TO TRANSFER  
APP. WITHIN GENERAL FUND

RESOLUTION 83-36  
TO AUTHORIZE A TEMPORARY  
LOAN FROM THE PARKS AND  
RECREATION FOR LANDSCAPING

Jeff Boyd, a local teacher of martial arts, asked to speak to the Council. Service agreed to the request. He suggested that the whole situation could have been resolved without gunfire if those police officers had been trained in martial arts. The Police Department should force their officers to have this training and facilities are available right here in Bloomington.

It was moved and seconded that the following ordinance be introduced and read by title only for first reading. Clerk Williams read the ordinance by title only. Appropriation Ordinance 83-11 To Specially Appropriated from the Local Road and Street Fund Expenditures Not Otherwise Appropriated by the City of Bloomington.

The minutes of September 7, 1983 were approved by a voice vote.

Service thanked everyone for coming to the meeting and speaking to this very, very tragic incident.

The meeting was adjourned at 8:45 P.M.

INTRODUCTION OF ORDINANCES  
FOR FIRST READING.  
APP. ORD. 83-11  
TO APPROPRIATE FROM  
LOCAL ROAD AND STREET  
FUND FOR TRAFFIC  
SIGNAL PROJECT.  
PUBLIC INPUT REQUESTED

APPROVAL OF MINUTES

ADJOURNMENT

ATTEST:

Patricia Williams  
Patricia Williams  
City Clerk

APPROVE:

Katherine Dilcher  
Katherine Dilcher, President  
Bloomington Common Council