

In the Common Council Chambers of the Municipal Building, held on December 6, 1979, with Council president Allison presiding over a regular session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
DECEMBER 6, 1979

Councilmembers present: Olcott, Richardson, Kinzer, Morrison, Allison, Middleton, Young and Towell. Absent: Blume.

ROLL CALL

Allison gave the agenda summation, noting that Ordinance 79-94 has been removed from the agenda at the request of the petitioner.

AGENDA SUMMATION

Young wished the new Council and the Mayor good luck over the next four years, stating that he has enjoyed serving on the Council and hopes that he made a worthwhile contribution.

MESSAGES FROM
COUNCILMEMBERS

Richardson thanked the Council staff for their work, as well as his fellow Councilmembers. He recalled that many people had doubts about whether a student Councilmember would remain in office for four years, and he said that he hopes he has demonstrated that students can make a valuable contribution to the community.

Olcott said he will miss the old Council, but is looking forward to working with the new Council. He praised Richardson for representing the students' interests well.

Middleton said he has enjoyed his term and added that since he will not be on the Council for the next four years he will have more time to spend with his family. He promised that he will remain active in community affairs.

Allison said this was a very hard-working Council with many divergent views representing many sectors of the community. She thanked the old Council and the Council staff.

Olcott moved and Morrison seconded a motion to cancel the December 20 meeting. Motion carried by unanimous voice vote.

CANCEL 12/20
MEETING

Richardson moved and Olcott seconded a motion to appoint Roger Koelpin to the Housing Quality Appeals Board. Richardson said the interview committee reached unanimous consent on this appointment, adding that Mr. Koelpin is a student with technical experience as well as being a landlord and a tenant. Motion carried by unanimous voice vote.

APPOINTMENT TO
HOUSING QUALITY
APPEALS BOARD

There was no message from the Mayor.

MESSAGE FROM
MAYOR

Tim Mueller gave the Council an update on the Whitehall P.C.D. for K-Mart. He said the traffic improvements have not been finalized since the developer has not yet presented their proposal to the Planning staff. The petitioners have asked that the Plan Commission approve the developmental plan only for the K-Mart section of the mall, adding that with this approach it will not come to the Council. He said the staff has no objection to amending the outline plan to approve only the K-Mart section, noting that the developer is anxious to start building. He said if the Council wishes to have any input on this decision, they should attend the Plan Commission meeting on Monday.

PETITIONS &
COMMUNICATIONS

Kinzer said she objects to the idea of bypassing the Council.

Morrison said good planning is important, and that he would like to avoid any type of problems like those that are occurring with the College Mall. He said he would like to see the entire plan before approving the K-Mart section.

Mueller added that the Council had considered the outline plan in 1975 and that the developer has a grading permit already.

Olcott contended that this is much less development than the Council approved in 1975.

Morrison moved and Kinzer seconded a motion to consider revised outline plans before the P.C. approves the development plans.

Mueller said the Plan Commission can still vote on this legally and the developer could proceed anyway.

Young added that the developer has requested EDC bonds for the development and said that the Council could use this as a lever.

Morrison's motion carried by a vote of Ayes: 7, Nays: Olcott.

Richardson moved and Morrison seconded a motion to introduce Resolution 79-42 to be read by title only.

RESOLUTION 79-42
EDC Bonds for
77 Corp., 1107-
1115 S. Walnut

Clerk Connors read Resolution 79-42 by title only.

Richardson moved and Morrison seconded a motion to adopt Resolution 79-42. Towell entered at this point.

Olcott read the legislative synopsis and gave the committee report of a Do Pass recommendation.

Pat Brown, attorney for the petitioner, showed the Council the plans for the buildings. He said that George Green and Company, accounting firm, will construct new buildings which will increase surrounding property value, increase the tax base, improve a major corridor, and provide ten new jobs in addition to the temporary construction jobs.

Resolution 79-42 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Richardson moved and Morrison seconded a motion to introduce and read Resolution 79-43 by title only.

RESOLUTION 79-43
EDC Bonds for
Office Facilities,
700-800 N. Walnut

Clerk Connors read Resolution 79-43 by title only.

Richardson moved and Morrison seconded a motion to adopt Resolution 79-43.

Olcott read the synopsis and explained that there is no committee report since the resolution was submitted late.

Leroy Baker, attorney for the petitioner, said that the City and the developer, Ron Killion, had cooperated on coming up with a good plan. He said they hope to start construction this month and the new facility will create eighty new jobs.

Resolution 79-43 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-60 by title only.

ORDINANCE 79-70
To Amend BMC to
Standardize Pro-
visions for Nine
City Boards &
Commissions

Clerk Connors read Ordinance 79-60 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-60.

Olcott read the synopsis and the committee report, with a Do Pass recommendation.

Allison stated her objection to eliminating districts for the Human Resources Commission and proposed deleting Section 5 to reinstate them. Kinzer seconded the motion. She said that it is important for people from different neighborhoods to be represented in the allocation of social service funds for their own part of town.

Richardson responded that it is apparently difficult to get applicants, let alone coming from particular districts. He said that if good applicants can be found they should be allowed to serve regardless of where they live in town.

Olcott said that if the Council wants good applications, they will have to seek out good applicants.

Allison's motion failed by a vote of Ayes: 3 (Morrison, Towell and Allison), Nays: 5.

Richardson read the list of amendments to the ordinance as proposed in committee, with the major one being the introduction of Council districts to replace the current Traffic Commission districts. He then moved, and Middleton seconded, a motion to adopt the amendments.

Ron Drahos, Chairperson of the Traffic Commission, said that he sees several problems with the use of Councilmanic districts for the Traffic Commission: (1) political implications of not having such an independent body; (2) the new ratio of appointments with the Council appointing most members. He said there is no consensus of the Commission on any one way to set up districts, but he proposed five different alternatives to the Council.

Richardson said he was offended at the negative assertions about making political appointments, contending that all appointments are currently made by politicians anyway. He said that people are familiar with Council districts while they are not familiar with the current Traffic Commission districts.

Towell said that by having Council districts Councilmembers can have a contact person for any traffic problems in their districts. This should also increase the awareness of Traffic Commission concerns on the part of the Council.

Morrison said he likes the idea of Council districts so that he has someone to work closely with on westside traffic concerns.

Olcott said the Commission works hard, but often the Council overrides their decisions. He said he would urge the Council to abolish the Traffic Commission and turn over their responsibilities to those that are most familiar with traffic problems; the Police Department.

The amendments were then adopted by a roll call vote of Ayes: 8, Nays: 0.

Richardson moved and Olcott seconded a motion to adopt Ordinance 79-60 as amended. Motion carried by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to rearrange the order of the agenda to consider those ordinances that must be approved tonight. Motion carried by a vote of Ayes: 7, Nays: 1 (Richardson).

The Council then took a ten minute break.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-91 by title only.

ORDINANCE 79-91
Budget Transfers

Clerk Connors read Ordinance 79-91 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-91.

Olcott read the synopsis and gave the committee report of a Do Pass recommendation by a vote of 5-0 as amended to delete the Human Rights Commission section.

Richardson moved and Olcott seconded a motion to amend Ordinance 79-91 to delete the sections under Human Resources Department, Human Rights Commission, since the funds will not be needed.

Motion carried by a vote of Ayes: 7, Nays: 0. (Young was ill and left at this point).

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-91 as amended. Motion carried by a vote of Ayes: 7, Nays: 0.

Richardson moved and Towell seconded a motion to introduce and read Ordinance 79-99 by title only.

ORDINANCE 79-99
To Amend 1979 &
1980 Salary Ord.'s
re: Safety Eng.

Clerk Connors read Ordinance 79-99 by title only.

Richardson moved and Towell seconded a motion to adopt Ordinance 79-99.

Olcott read the synopsis and gave the committee report with a Do Pass recommendation.

Ordinance 79-99 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-98 by title only.

ORDINANCE 79-98
To Amend 1980
Salary Ordinance
for Project NEW
Director

Clerk Connors read Ordinance 79-98 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-98.

Olcott read the synopsis and gave the committee report with a Do Pass recommendation.

Ordinance 79-98 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 79-17 by title only.

APPROPRIATION
ORDINANCE 79-17
1980 Water and
Wastewater Utility
Budgets

Clerk Connors read Appropriation Ordinance 79-17 by title only.

Olcott moved and Towell seconded a motion to adopt Appropriation Ordinance 79-17.

Olcott read the synopsis and gave the committee report with a Do Pass recommendation of 4-1.

Towell said he thought this was a very well prepared budget.

Olcott said he was pleased to see that the department is finally in the black.

Richardson said he cannot vote for the budget since he is still against rebates and is not pleased with the way the PCB problem has been handled with Westinghouse not cooperating.

Appropriation Ordinance 79-17 was then adopted by a roll call vote of Ayes: 6, Nays: 1.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-88 by title only.

ORDINANCE 79-88
To Adopt a "Sun-
set" Law for
City Bds. & Com-
missions

Clerk Connors read Ordinance 79-88 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-88.

Olcott read the synopsis and gave the committee report with a Do Pass recommendation of 2-2. He noted that there were amendments.

Olcott moved and Richardson seconded a motion to amend Ordinance 79-88 under 2.00.020 concerning appointment to committees. Motion carried by a vote of Ayes: 7, Nays: 0.

Towell moved and Morrison seconded a motion to amend the ordinance to re-arrange the order of the Boards and Commissions dates of termination. Motion carried by a vote of Ayes: 7, Nays: 0.

Morrison said it looks like the ordinance will create a lot of work for the Council Office, and Allison agreed. In answer to a question from Morrison, France Komoroske, Council Attorney, said that they are not sure how much work it will take, but it is bound to be a lot of paperwork for someone whether it be the Council or their staff.

Richardson moved and Olcott seconded a motion to adopt Ordinance 79-88 as amended. Richardson said that during budget time the Council chooses not to take the time to really take an in-depth look at boards and commissions, with no review for those that do not have a budget. He said this ordinance should make boards and commissions more accountable to the Council.

Morrison said the Council could request that one board or commission report to them at each committee meeting as it used to be done.

Towell said he has mixed feelings about the ordinance; he thinks the idea is a good one but should be expanded in order to be most effective. On the other hand, the Council already has the power to review boards and commissions as they wish.

Allison said she is opposed to an ordinance that mandates the Council to investigate boards and commissions on a strict timetable with the result being termination if the Council does not meet the deadline. She said Common Cause pushed this type of ordinance for the federal and state governments since they have many boards and many legislators. She said this is unnecessary busy work since the Council has the option of review at any time they wish. She said it is a waste of time to review boards and commissions that no one sees any problems with. The Council will be forced to redebate issues that were settled with the creation of certain boards and commissions since termination is a probability.

Kinzer said the ordinance is a good start since the Council has no set procedure for regular review of boards and commissions.

Robert Althaus of Common Cause urged the Council to adopt the ordinance, stating that if a board or commission is worth creating then it is worth the Council's time to review them in the light of past performance.

Ordinance 79-88 was then adopted as amended by a roll call vote of Ayes: 6, Nays: 1 (Allison).

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-87 by title only.

Clerk Connors read Ordinance 79-87 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-87.

Olcott read the legislative synopsis and gave the committee report with a Do Pass recommendation by a vote of 5-0 as amended. Olcott moved and Richardson seconded a motion to amend Section VII(b) concerning the definition of "ordinary maintenance". Motion carried by a vote of Ayes: 7, Nays: 0.

Richardson moved and Towell seconded a motion to adopt Ordinance 79-97 as amended. Motion carried by a roll call vote of Ayes: 7, Nays: 0.

ORDINANCE 79-87
To Amend the
Historic Preservation Ordinance

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-87 by title only. Clerk Connors read Ordinance 79-87 by title only. Richardson moved and Olcott seconded a motion to adopt Ordinance 79-87.

ORDINANCE 79-87
To Repeal 4.08 of
BMC re: "Barbers"

Olcott gave the committee report. As sponsor of the ordinance, he said that the board seldom meets and should be abolished. The committee unanimously recommended Do Pass.

Richardson moved and Morrison seconded a motion to introduce and read Resolution 79-34 by title only.

RESOLUTION 79-34
To Adopt a Code
of Ethics for
City Employees

Clerk Connors read Resolution 79-34 by title only.

Richardson moved and Morrison seconded a motion to adopt Resolution 79-34.

Olcott read the legislative synopsis and gave the committee report with a Do Pass recommendation of 5-0.

Olcott introduced several minor amendments to Section I, and Morrison seconded the motion. Motion carried by a vote of Ayes: 7, Nays: 0.

Richardson moved and Middleton seconded a motion to adopt Resolution 79-34 as amended.

Linda Stafford of the League of Women Voters read a statement in support of the resolution. She recommended that the words "for the record" be added in the part about explaining why a Councilmember could not vote.

Middleton moved and Towell seconded a motion to adopt the suggested amendment. Motion carried by a vote of Ayes: 7, Nays: 0.

Kinzer moved and Middleton seconded a motion to adopt Resolution 79-34 as amended. Motion carried by a vote of Ayes: 7, Nays: 0.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-97 by title only.

ORDINANCE 79-97
To Amend BMC re:
"Common Council"

Clerk Connors read Ordinance 79-97 by title only.

Richardson moved and Towell seconded a motion to adopt Ordinance 79-97.

Olcott read the synopsis with the committee report for a Do Pass recommendation by a vote of 4-1 as amended.

NOTE--there were ^{written} nineteen amendments to the ordinance, and all were adopted by unanimous voice vote unless otherwise noted.

Towell moved and Richardson seconded a motion to amend 2.04.120 to delete the first sentence concerning when members can speak. Motion failed by a vote of Ayes: 2 (Richardson and Middleton), Nays: 5.

Richardson moved and Middleton seconded a motion to amend section 2.04.130 concerning notifying the city clerk if a member will be absent. Motion carried by a vote of Ayes: 6, Nays: 1 (Richardson, Olcott). (Failed on first vote-reconsidered when Kinzer present).

Towell moved and Olcott seconded a motion to amend section 2.04.140 concerning orderliness of members. Motion failed by a vote of Ayes: 2 (Towell and Allison), Nays: 4.

Richardson moved and Olcott seconded a motion to strike 2.04.140. Motion failed by a vote of Ayes: 4 (Morrison, Richardson, Olcott and Middleton), Nays: 2.

Richardson moved and Olcott seconded a motion to delete only the first sentence of 2.04.140. Motion carried by a vote of Ayes: 7, Nays: 0.

Richardson moved and Middleton seconded a motion to amend Section 2.04.360(c) concerning continuing debate. Motion failed by a vote of Ayes: 2 (Richardson and Middleton), Nays: 5.

Richardson moved and Towell seconded a motion to amend Section 2.04.360(e) concerning changing of votes to delete "unless such vote will not change the result". Motion carried by a vote of Ayes: 5, Nays: 2 (Olcott and Towell).

Towell moved and Richardson seconded a motion to amend section 2.04.380(6)(a) to add "with synopsis and fiscal impact statement". Motion carried by a vote of Ayes: 6, Nays: 1 (Olcott).

Towell moved and Kinzer seconded a motion to amend Section 2.04.420 to add (b) concerning ending meetings by majority vote. Motion failed by a vote of Ayes: 2 (Towell and Kinzer), Nays: 5.

Olcott moved and Richardson seconded a motion to amend 2.04.420 concerning the 10:30 p.m. deadline for introducing legislation unless two-thirds of the members agree. Motion carried by a vote of Ayes: 5, Nays: 2 (Towell and Kinzer).

Kinzer moved and Morrison seconded a motion to adopt Ordinance 79-97 as amended. Motion carried by a vote of Ayes: 6, Nays: 1 (Olcott).

Richardson moved and Middleton seconded a motion to approve the minutes of October 4 and 18, and November 1 and 15, as submitted. Motion carried by unanimous voice vote with Allison saying a few names are misspelled.

MINUTES FOR APPROVAL: 10/4, 10/18, 11/1, 11/15/79

The meeting was then adjourned at 10:50 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

Tomilea Allison
Tomilea Allison, President
Bloomington Common Council

Nora M. Connors
Nora M. Connors, City Clerk

MINUTES APPROVED this 17th day of January, 1980.