

In the Common Council Chambers of the Municipal Building held on July 20, 1978 at 7:30 p.m. with Councilpresident Richardson presiding over a regular session. These minutes are a summary - tapes are on file in the Council Office.
Councilmembers present: Morrison, Young, Olcott, Richardson, Allison, Kinzer, Middleton, Towell and Blume. Absent: none.

COMMON COUNCIL
JULY 20, 1978
REGULAR SESSION

ROLL CALL

AGENDA SUMMATION

Councilpresident Richardson began the meeting with the agenda summation. For second reading, Ordinance 78-45, Budget Transfers, Ordinance 78-42, To Amend Zoning Maps; Ordinance 78-43, To Amend Zoning Maps; Ordinance 78-47, To Provide for the Continuation of City Court to 1983; Ordinance 78-49, To Authorize City of Bloomington to Issue Economic Development Revenue Bonds to Bloomington Klubhaus, Inc.; Ordinance 78-46, To Amend BMC re: Human Rights Commission, Including Coverage of Handicapped Persons; Ordinance 78-48; To Adopt Chapter 6.12 of the BMC, Entitled, "Smoking in Public Places". For first reading, Appropriation Ordinance 78-8, To Appropriate Funds from FRS to Board of Works; Ordinance 78-41, Traffic Amendments; Ordinance 78-50, To Amend Zoning Maps; Ordinance 78-57, To Clarify Ordinance 77-23 re: "To Require Fiscal Impact Statements with Legislation"; Ordinance 78-56, To Amend BMC re: "Housing Quality"; Ordinance 78-58, To Amend BMC re: "Housing Quality Appeals Board"; Ordinance 78-51, To Amend 1978 Salary Ordinance re: Housing Code Officer's salary increase; Ordinance 78-52, 1979 Salary Ordinance for Civil City Employees; Ordinance 78-53, 1979 Salary Ordinance for Fire Officers; Ordinance 78-54, 1979 Salary Ordinance for City Clerk and Court Employees.

Councilmember Young said budget hearings are now being held, and he urged all Councilmembers to attend the meetings.

MESSAGES FROM
COUNCILMEMBERS

Councilmember Morrison announced that the West Sixth Street improvements have been completed, and asked all Councilmembers to drive by and take a look.

Councilmember Blume criticized the Herald-Telephone for giving a onion to three Councilmembers not present at a budget hearing. He explained that two of these Councilmembers, including himself, were attending other City meetings.

Richardson praised Allison for the excellent job she has been doing as a member of the Common Council, stating that she works very hard and is doing a better job than he ever expected her first year. He then apologized for starting the meeting late due to an executive session held before the meeting. He then urged people to turn out now to meetings where revisions to the Housing Code are being discussed. Also, rules and regulations are being studied and revised by the USB, and he said now is the time for input from the public. Lastly, he said the budget hearings have been sparsely attended by the public; he urged them to attend now before final recommendations are made.

There were no Petitions and Communications.

PETITIONS &
COMMUNICATIONS

There was no message from the Mayor.

MESSAGES FROM
THE MAYOR

Councilmember Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-45 by title only.

ORDINANCE 78-45
Budget Transfers

Deputy Clerk Connors read Ordinance 78-45 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-45, and Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 7, Nays; 0.

Olcott moved and Morrison seconded a motion to amend Ordinance 78-45

under the Board of Works section as recommended by Jim Wray. Lines #64 and #263 are to be amended to decrease them by a total of \$5,200.

Motion to amend carried by a vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-45 as amended.

Motion carried by a vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-42 by title only.

ORDINANCE 78-42
Amend Zoning re
2103 W. 3rd RL
BA/SC

Connors read Ordinance 78-42 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-42. Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 6, Nays: 0.

Middleton moved and Morrison seconded a motion to amend Ordinance 78-42 as recommended by the Plan Commission to add an SC overlay to the BA zone, and to change the date in the title to June 7, 1978. This also needed to be changed in the synopsis.

Motion to amend carried by a vote of Ayes: 9, Nays: 0.

Kinzer moved and Morrison seconded a motion to approve Ordinance 78-42 as amended.

Motion carried by a vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-43 by title only.

ORDINANCE 78-43
Amend Zoning re
3500 block
of Walnut RE tr
RS/SC

Connors read Ordinance 78-43 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-43. Richardson read the legislative synopsis.

Morrison gave the committee report. The Committee recommended Do Pass by a vote of Ayes: 5, Abstentions: 2. There was an amendment approved to add an SC overlay to those portions of the ordinance covering drainage into the sinkhole on the property.

Olcott explained his vote in committee to abstain, stating that he does not feel the area should be provided with City services without annexation.

Mueller said this has not been an established policy in the past. The policy now is to consider rezonings and annexations independent of each other.

Frank Barnhart, Attorney for the Petitioner, said that he anticipates the land being annexed within a couple years. The Petitioner is not anxious to do so now, however, since the land is used just for grazing. He said they would not oppose annexation if they will be provided with city services.

Allison moved and Morrison seconded a motion to amend Ordinance 78-43 to change the date in the title to June 7, 1978, to add an SC overlay (new section II) and add a new section III (old section II).

Motion carried by a vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to approve Ordinance 78-43 as amended. Motion carried by a vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-47 by title only.

ORDINANCE 78-47
Provide for Con-
tinuation of City
Court to 1983

Connors read Ordinance 78-47 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-47. Richardson read the legislative synopsis.

Morrison reported that the Committee recommended that the ordinance be tabled by a vote of 7-0, but Richardson recommended that it be placed back on the agenda.

Richardson said the reason for considering the ordinance tonight is that the Mayor needs to know the Council's position on maintaining the court since this will need to be determined for budget purposes. The Mayor would like to see some cuts made that would be feasible since the court could be winding down in 1979.

Morrison moved and Allison seconded a motion to remove Ordinance 78-47 from the table.

Motion carried by a vote of Ayes: 9, Nays: 0.

Rick Harrison, Secretary of the Monroe County Bar Association, addressed the Council. He said the Bar Association met on July 18 to consider whether they should make a recommendation on whether the court should continue to 1983. He then read the resolution from the Association which states that the Association is not in favor of the continuation. There were 38 attorneys present. In answer to a question from Olcott, Harrison explained that the reasons for their recommendation were many: cost, effect on justice, administration and personnel, location of courts, etc.

Well said that the City Court has been a waste of money in the past few years, and the reason why should be closely examined. He said that the elected officials stopped filing cases in the court, and this was not Judge Pettay's fault. Part of the reason behind creating City Court was for improved enforcement of ordinances but this has not happened. Since these officials have not assigned cases there, and he added that he did not expect this to change in the future, there has been a waste of resources on the Court. He asked the Council to consider the Legal Department's budget carefully, since they are asking for extra staff for enforcement of ordinances. This was to be done with City Court, but the department also under-utilized the court. The Court has suffered many indignities with no courtroom, inadequate staff, etc. In summary, he said that while the Court has not been given a fair chance, the legislature knew what they were doing when they phased out the court, and he said he disapproved of amending the law to continue City Courts. Morrison agreed with these points, stating that "you can't mix bad politics with good government".

Janet Troyer addressed the Council, stating that she represented those from the public at large. She said that she has used both courts, but that when the people going through the courts are taken into consideration, City Court provides a valuable service in that it is informal, quick and efficient. She asked the Council to give the Court a chance to prove itself.

Andy Siscoe, local businessman, presented the Council with a petition that he had taken to 39 businesses asking them if they would like to see City Court continued. All but one were in favor of continuation. He said the businesses feel that the Court is a valuable tool in collecting bad debts. He claimed that he could have gotten many more signatures if he had the time. He continued that to file a case in County Court a person must wait four months before any action is taken, but in City Court, it only takes about a month. This time factor is very important

to businessmen since Bloomington is a transient community, and in four months many people, particularly students, may have left town, leaving the businessman to foot the bill. He also noted that City Court is cheaper to file with, costing \$6 as opposed to \$10 for County Court. Finally, he said he did not think County Court could handle the load.

Young noted that he uses City Court because it is faster.

Richardson said that he is sure 99% of all businessmen would be in favor of City Court, but if you asked them if they want to pay higher taxes to support the Court, then they may reconsider.

Randy Siscoe answered that he tried to present all the facts to the people. He said that many programs the city operates don't return money to the City, but this one does.

Kinzer replied that the people would still get the same service without City Court; it is just a matter of who is responsible. The only difference is in the speed in which cases are taken care of.

Morrison said City Court provides a good service. Speed and efficiency mean a lot to many people. Also, the judge has time to give personal service to the people coming through the court.

Middleton asked if there were any plans for a traffic court in the unified court system; Rick Harrison said that this has been discussed but such a court has not yet been established. He said with only about 22 cases filed a month in City Court, it would not be that much of a burden for four judges to take care of them. He also said that the traffic laws were re-codified in July, and the penalty structure was altered so that the only cases under the jurisdiction of the City are Class D misdemeanors and other small infractions. When Middleton stated that there should be one small claims division, Rick Harrison said that this might require another judge and courtroom.

Young asked if the County Court is overloaded with cases and Harrison said that there are serious space problems with the County Courts, but there are several plans being considered now to remedy this problem.

Judge Lee Pettay said that in regard to Harrison's statement, City Courts do have jurisdiction over misdemeanors until December, 1979. He then explained that City Court provides a service that County Court does not in initiating collection of judgments.

Judge Bridges said that County Court also does this, and all the judges handle misdemeanor cases. He estimated that he spends one third of his time handling small claims and misdemeanors. He continued that he gives the same careful consideration and time to these cases. The only difference in service and followup is that it takes County Court 60 days where it takes City Court 30 days.

There was then general discussion concerning the speed in which cases are handled in the various courts and the responsibility of the Courts to arrange for payments. Bridges said that after the judgment if the losing party is before him, he will set up payments. He spends two hours on Monday afternoons talking to people that do not make payments as required.

Middleton suggested that there should be different courts for civil and criminal cases, and Bridges said this is not the intent of the legislature.

Olcott said he had received a call from someone that was very pleased with City Court because no attorney is needed. He added that profit and loss are not the only points to consider, stating that many City departments do not make a profit.

Allison replied that no attorney is necessary for cases in County Court either. She said part of the reason that City Court can process cases so quickly is due to their underuse. It may be very convenient for small businessmen, but this should be balanced with the cost to the City. She continued that the service will still be there; it will just take an extra month. Funds could go to County Court to help

defray costs, but if the service is duplicated, all taxpayers will pay more.

Blume said the court will cost a certain amount of money no matter who runs it, and if there is a large backlog of cases, there should be a court to handle the additional cases. He said anything courts can do to help with the bad check situation would be appreciated by many businessmen.

Janet Troyer informed the Council that by eliminating City Court, it will only increase the backlog in County Court. She said the Council should investigate why cases have not been assigned to City Court.

Judge Bridges said that the legislature was thinking of other counties when they passed this law. The idea was to create a court that is responsive to the people that is a court of record. He said sixty days is not a very serious backlog. They keep up with their workload and noted that this amount of time can be helpful at times because it gives the parties more time to work out their own disputes.

Richardson said that "luxury" programs come before the City all the time for the Council's consideration. After talking with the judges and people involved in the system, he is convinced that the unified court system is here to stay. There will be a new court sooner or later anyway. He said when the county takes care of their space needs the problem should be taken care of. Since it is uncertain whether additional cases will be assigned or taken away from City Court, there is a possibility that the Court may become a "white elephant" for four years.

Ordinance 78-47 then failed for lack of majority by a vote of Ayes: 4, Nays: 4 (Allison, Kinzer, Middleton and Richardson).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-49 by title only.

ORDINANCE 78-49
Authorize Issuance of EDC Bonds to Bloomington Klubhaus, Inc.

Connors read Ordinance 78-49 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-49. Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 6, Nays: 0.

Allison moved and Olcott seconded a motion to amend Ordinance 78-49 to substitute where it states "City Clerk" to "City Clerk, or in her absence the Deputy City Clerk". Motion carried by a unanimous voice vote.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-49 as amended. Motion carried by a vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-46 by title only.

ORDINANCE 78-46
To Amend "Human Rights Commission in the BMC"

Connors read Ordinance 78-49 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-49. Richardson read the legislative synopsis.

Morrison gave the committee report, with a recommendation of Do Pass by a vote of Ayes: 4, Nays: 1, Abstentions: 2.

Middleton said that in the memo prepared by Council Attorney Frances Komoroske, it is stated that the costs of being certified vary according to the type of document needed. He said these procedures are very complicated, and the City could be getting themselves in trouble if they are trying to determine whether someone is handicapped.

Frances Komoroske said the Human Rights Commission would not consider their case unless they were certified already. The HRC would not have the power to certify.

Ann Vaughn, EEO Officer, said that some people on the HRC felt that it would be better to have some coverage for discrimination in housing and employment. If they are covered, people can come in and at least find out what remedies are available to them.

Middleton moved and Morrison seconded a motion to table Ordinance 78-46 and refer it back to the Legal Department.

Richardson said it would do no good to table the ordinance since it is already clearly set out that cities cannot extend coverage to those areas that the state does not cover.

Motion to table failed by a vote of Ayes: 2 (Morrison and Middleton) and Nays: 6.

Frances Komoroske explained that there would be an advantage in covering handicapped persons locally, since they would be able to file here instead of going all the way to Indianapolis. If the case is clear cut, the HRC could consider it. She noted that coverage is most comprehensive on the federal level, with the state only having minimal coverage.

Middleton said he would not like to see another bureaucracy created for this. He said he is presently dealing with three people that are going through certification, and it is a very difficult and complicated procedure. He does not want to see the City getting involved with this.

Kinzer said the ordinance is a good start, and said that cities need to work on the state level to get more comprehensive legislation passed.

Ordinance 78-46 was then adopted by a vote of Ayes: 5, Nays: 3 (Blume, Middleton and Olcott).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-48 by title only.

ORDINANCE 78-4
To Adopt "Smok
in Public Plac
in BMC

Connors read Ordinance 78-48 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-48. Richardson read the legislative synopsis.

Morrison read the committee report, with a Do Pass recommendation of 4-1.

Kinzer moved and Young seconded a motion to add "libraries, galleries and museums" as places that must have "smoking areas". Motion carried by a vote of Ayes: 8, Nays: 0.

Blume made a motion to add "churches", but there was no second to the motion.

"doctors
Middleton said /offices" should be removed as this could represent an illegal restraint on some people. Komoroske said that in health care facilities it is significant to have coverage since sick people in these offices should not have to be subjected to smoke.

Middleton's motion carried by a vote of Ayes: 6, Nays: 2 (Kinzer and Olcott).

Allison asked what would happen if a store or restaurant did not post signs, and Komoroske answered that they could be fined.

Morrison said he supports the concept but doubts that it could be enforced. He noted that if customers want to smoke in his store, they would be welcome to.

Blume moved and Morrison seconded a motion to delete 16.12.020 (b) concerning coverage of retail and food stores that employ more than eight people. Motion carried by a vote of Ayes: 6, Nays: 2 (Young and Kinzer).

Kinzer explained her vote by stating that merchants would be grateful if they were covered since people come in with cigarettes and burn merchandise, rugs, etc.

Richardson moved and Morrison seconded a motion to delete 16.12.020 (c). Motion failed by a vote of Ayes 3, Nays: 5 (Young, Olcott, Allison, Kinzer and Middleton). This would exclude coverage of restaurants.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-48 as amended. Motion carried by a vote of Ayes: 6, Nays: 2 (Morrison and Blume).

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 78-8 by title only.

FIRST READINGS
APPROPRIATION
ORDINANCE 78-8
From FRS for Econ.
Devel. Coordinator

Connors read Appropriation Ordinance 78-8 by title only and Richardson read the legislative synopsis and asked for public comments.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-41 by title only.

ORDINANCE 78-41
Traffic Amendments

Connors read Ordinance 78-41 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-57 by title only.

ORDINANCE 78-57
Re: Fiscal Impact
Statements

Connors read Ordinance 78-57 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-56 by title only.

ORDINANCE 78-56
Re: Housing
Quality

Connors read Ordinance 78-56 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-58 by title only.

ORDINANCE 78-58
Amend BMC re:
HQAB

Connors read Ordinance 78-58 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-51 by title only.

ORDINANCE 78-51
Amend '78 Salary
Ordinance re:
Housing Code
Officer

Connors read Ordinance 78-51 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-52 by title only.

ORDINANCE 78-52
Salary Ordinance
Civil City

Connors read Ordinance 78-52 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-53 by title only.

ORDINANCE 78-53
Salary Ordinance
Police & Firemen

Connors read Ordinance 78-53 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-54 by title only.

ORDINANCE 78-54
Salary Ordinance
City Clerk & Court

Connors read Ordinance 78-54 by title only and Richardson read the legislative synopsis.

The meeting was then adjourned at 11:10 p.m.

ADJOURNMENT

APPROVE: 

ATTEST: 

John F. Richardson, President
Bloomington Common Council

Nora M. Connors
Deputy City Clerk/Council