

In the Common Council Chambers of the Municipal Building held on October 5, 1978 at 7:30 p.m. with Councilpresident Richardson presiding over a regular session of the Common Council.

COMMON COUNCIL
OCTOBER 5, 1978
REGULAR SESSION

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

ROLL CALL

THESE MINUTES ARE A SUMMARY - TAPES AVAILABLE IN COUNCIL OFFICE.

Councilpresident Richardson began the meeting with the agenda summation. After appointments to boards and commissions will be second readings: Resolution 78-22, To Approve Application of the Federal Section 8 Housing Provisions to the Bloomington Housing Authority; Resolution 78-23, To Approve the Application by the Bloomington Housing Authority for a Preliminary Plan for Low-Rent Public Housing; Ordinance 78-73, Budget Transfers; Ordinance 78-44, To Amend Zoning Maps re: NW corner of College Mall Road and Covenanter Drive as RL/PUD; Ordinance 78-71, To Amend Section 1.04.070 of the Bloomington Municipal Code, Entitled "Fiscal Impact Statements"; Ordinance 78-65, To Amend Chapter 2.16 of the Bloomington Municipal Code, Entitled "Police Collective Bargaining" and Ordinance 78-66, To Amend Chapter 12.04 of the Bloomington Municipal Code to Prohibit Dumping in Storm Sewers. For first reading: Ordinance 78-77, Budget Transfers; Appropriation Ordinance 78-11, To Appropriate Funds from Cumulative Capital Fund to Parks and Recreation; Ordinance 78-75 (Repeal) and 78-76 (Amend) Section 2.02.040 of the BMC, Entitled "Appointments-Residential Requirement for City Boards & Commissions", and Ordinance 78-74, To Amend Zoning Maps re: SE corner of 15th & Maple Streets RS to RL. Also the minutes of September 7, 1978.

AGENDA SUMMATION

Richardson announced the appointments of the following people to various Boards and Commissions: To the Human Rights Commission as the Council's liaison - Howard Young; to the Utilities Service Board as an ex-officio member - Lloyd Olcott; to the Human Resources Commission - Deanna Berg (NE quadrant), William Roberts (NW quadrant), Veronica Weaver (SE quadrant), and Jim Opiat (SW quadrant). To the Housing Quality Appeals Board - Esther Riebert and Bruce Artim.

APPOINTMENTS TO
BOARDS & COMM's.
HRC, HQAB, USB
& Human Res. Comm.

Middleton said that the Criminal Justice Planning Agency's Juvenile Justice Task Force is still seeking membership. He said there is much to be done at the jail in making conditions habitable while maintaining good security and some freedom of movement.

MESSAGES FROM
COUNCILMEMBERS

Allison announced that Channel 7 will begin a program for senior citizens on October 19 at 11:00 a.m. The first program will be on age and aging, and the programs will be broadcast each week. Second, she pointed out in response to a letter in the Herald Telephone, that the Animal Shelter was not responsible for the death of the dog shot by a tranquilizer gun. Betsy Williams and the Mayor are looking into this. She then introduced her mother in the audience.

Young said he had visited Councilmember Blume in the hospital, and he is coming along well.

Richardson thanked the film crew of "Breaking Away". Second, he said the Housing Code Committee met again to discuss the BOCA Code. There are still many issues to be resolved, but they hope to have revisions ready in November. Third, he read a letter he drafted to be sent to the Public Service Commission expressing his discontent with the delay in announcing the City's water rate increase. He noted that this delay is costing the City about \$70,000 a month with a total loss of \$350,000 to \$400,000. The City was told they would have an answer by the end of August, but they still have heard nothing. He then said that the USB was to discuss their rules and regulations this week, but since there may be a quorum problem, they will be delayed. He announced that he attended a meeting this morning concerning the Willow Manor problem. He stated that something must be done immediately to halt the occurrence of personal injuries and property damage. Finally, he congratulated Laura Hlavich of the IDS for the scholarship she has received.

There were no Messages from the Mayor and no Petitions and Communications.

MESSAGE FROM
MAYOR & PETI-
TIONS & COMM.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 78-22 in entirety.

RESOLUTION
78-22 To
Approve Appli-
cation of Fed.
Sec. 8 Housing
Provisions

Clerk Dolnick read Resolution 78-22 in entirety.

Olcott moved and Morrison seconded a motion to adopt Resolution 78-22. Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 4, Nays: 0.

Resolution 78-22 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 78-23 in entirety.

RESOLUTION
78-23 Approve
City's Appli-
cation for Plan
for Low-Rent
Public Housing

Clerk Dolnick read Resolution 78-23 in entirety.

Olcott moved and Morrison seconded a motion to adopt Resolution 78-23. Richardson read the legislative synopsis.

Morrison gave the committee report. The committee recommended Do Pass by a vote of Ayes: 4, Nays: 0.

Kinzer questioned the content of Section I, stating that it should be in a whereas clause so that it does not sound like the Council is resolving that there will always be a need for low-income housing in Bloomington.

France Komoroske replied that this is a standard form from H.U.D., and the City must state that there is a need in order to get their plan approved.

Middleton said he is not sure that there is a need for additional low-income housing, stating that people are moving out of the present low-income housing because rents are too high. He said the Council should see that the present housing is utilized before they approve additional housing. He continued that he is leary of getting Bloomington into a similar situation as the "Fall Creek" housing in Indianapolis, where there is a very low occupancy rate. He also questioned how the City can inspect their own units.

Richardson said that the public housing in Bloomington is full, and the quality uneven. In response to Middleton's last remark, he said that the Housing Authority is only responsible to see that the landlords get their rent subsidy.

Kinzer moved that Section I be put into a whereas clause, but there was no second to the motion.

Morrison said this is just a standard clause. The City cannot say there "may" be a need and still get their plan approved. He said the City owns Crestmont, but it is not the quality of the project in question, merely the management. He said that since Wilbert Miller is no longer the Director of the Housing Authority, Crestmont has become run down. He said that Wilbert may not accept, and the City may not care to ask, but he suggested that he be asked to help correct the situation at Crestmont.

Richardson agreed that the Housing Authority needs "new blood". However, he added that the Mayor had no say about hiring Katherine Tourner, and he found out she was hired in the newspaper. The Housing Authority must take responsibility for this.

Pat Patterson, Director of Redevelopment, explained that there are no vacancies in public housing units and there are long waiting lists. He said there is a serious need for this type of housing. Concerning Willow Manor, he said that they have discussed the problems there with H.U.D., and they hope to convert it to Section 8 housing.

Olcott asked if conversion of Willow Manor to Section 8 would make additional construction funds available, and Pat Patterson answered that it would allow the landlord to raise the rents without affecting the tenants. With this extra money, repairs could be made. In answer to a question from Richardson concerning whether there will be rehab money available soon, Pat said he did not know, but it is possible.

Richardson commented that without a lease, the tenants at Willow Manor find themselves in a very humble position. Funds must be made available to make repairs to the roofs of the buildings.

Olcott asked if the City was doing everything possible to remedy the situation at Willow Manor, and Pat Patterson answered yes. There is nothing that should be done that is not being done now.

Richardson commented that in the future, he would appreciate it if he could be told about meetings with H.U.D. on this matter. He then asked about Section 202 housing, and Pat Patterson said he knew very little about it, but he knows it is not yet being promoted by H.U.D.

Resolution 78-23 was then adopted by a roll call vote of Ayes: 6, Nays: 1 (Kinzer).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-73 by title only.

ORDINANCE 78-73
Budget Transfers

Clerk Dolnick read Ordinance 78-73 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-73. Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do Pass recommendation as amended in the Engineering section.

Olcott moved and Morrison seconded a motion to amend the Engineering section as recommended by the committee. Motion carried by unanimous voice vote.

Olcott moved and Young seconded a motion to divide the question to vote separately on each section. Vote: Ayes: 3, Nays: 4.

Kinzer moved and Morrison seconded a motion to adopt Ordinance 78-73 as amended.

Pat Patterson moved and Morrison seconded a motion to adopt Ordinance 78-73 as amended.

Olcott asked why Bill Finch refused to take the case for the Human Rights Commission and why an outside attorney should be hired. He said there is no need for an outside attorney, and asked the Council to reject the transfer.

Richardson answered that Finch is very busy and that he is training a new attorney so that he is, in effect, doing double duty. Also, the Human Rights Commission is supposed to be independent of the rest of the City administration.

Charlie Webster of the HRC commented that if the HRC had an attorney, this is a case that they would handle, but since they do not have an attorney, they need outside counsel to handle this important case.

Morrison asked about the cost of hiring an outside attorney, and Steve Richardson answered that his fee is \$60/hour. He said he had spoken to Bruce Wackowski concerning this case, and briefs must be reviewed from the HRC, Hudgins case, the HRC reply brief, the Court of Appeals decision and the new statute. All of the research needed to be done immediately in order to meet the deadline. The contract says that the HRC will make a good faith effort to obtain the budget transfer to pay him. He continued that appellate work is very difficult and complicated. A petition for rehearing and preparation for oral argument will probably be needed. He added that this is only about half of what he usually charges for appellate work.

Olcott said he would rather see the funds returned to the general fund and that he does not think that the HRC has a very good chance in appealing the case.

Richardson responded that this is a very important case. The Court of Appeals decision could have a big impact on Human Rights Commissions throughout the state. He said that the Court seemed to overlook the savings clause, and without a decision in the Commission's favor, all cases filed before local Commissions before the revised statutes went into effect would be without effect.

Ordinance 78-73 was then adopted by a roll call vote of Ayes: 6, Nays: 1 (Olcott).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-44 by title only.

ORDINANCE 78-44
To Amend Zoning
Maps re: corner
of College Mall
& Covenanter
Drive

Clerk Dolnick read Ordinance 78-44 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-44. Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do Pass recommendation.

Olcott said he thought it was a perfect use of the land, and urged the Council to pass the ordinance.

Kinzer asked if it would have any major effects on city services, and Jeff Grodner, attorney for the petitioner, said that there would be a new road fronting on 50 duplexes and single-family lots.

Young said he thought it was unfortunate that they had to redo their plans to accommodate the flood plain. Kinzer said it would not be at all sensible to build in a flood plain even if it is based on the 100-year flood.

Ordinance 78-44 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-71 by title only.

ORDINANCE 78-71
Amend BMC re:
Fiscal Impact
Statements

Clerk Dolnick read Ordinance 78-71 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-71.

Morrison gave the committee report, noting a Do Pass recommendation.

Kinzer, sponsor of the ordinance, said that these changes will make the ordinance more effective and realistic. She thanked Tim Mueller for pointing out the weak points in the ordinance and said that there were problems with it. She thanked France Komoroske for the research on the ordinance. She said each piece of legislation with fiscal impact will either have a statement or explanation as to why a statement is not needed.

Middleton said this could hold up legislation and added that he did not think that the Council Office should be able to ask for the statement. Only the Council should be able to do this.

Richardson said the ordinance is better in that it allows the Council to vote as a group as to whether a fiscal impact statement is needed. He said this is an improvement over what we have now.

Ordinance 78-71 was then adopted by a roll call vote of Ayes: 5, Nays: 2 (Olcott and Young).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-65 by title only.

ORDINANCE 78-65
Amend BMC re:
Police Collective
Bargaining

Clerk Dolnick read Ordinance 78-65 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-65. Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do pass recommendation as amended in Section 2.16.060.

Olcott said he did not think the amendment was necessary and was only proposed by Towell to get at the administration.

Richardson said the Council is ultimately responsible for police and fire salaries and this is what Towell was addressing. He said it would be rare that the Mayor's designee and the Personnel Director would not be involved in negotiations, but said that this amendment would allow the Council to approve all appointments to the bargaining team.

France Komoroske added that the idea is to get the Council in on negotiations from the beginning. The ordinance is faulty now because it says the Personnel Director and Mayor's designee "shall" be on the team but it also says the Council must approve them.

The amendment to change "shall" to "may" proposed by Towell then failed by a roll call vote of Ayes: 2, Nays: 5 (Morrison, Young, Middleton, Olcott and Allison).

Richardson moved and Middleton seconded a motion to amend the Mayor's amendment to read "... and such other persons as the Mayor designates and the Common Council approves prior to the beginning of negotiations". Motion carried by a vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to approve Ordinance 78-65 as amended. Motion carried by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-66 by title only.

ORDINANCE 78-66
Amend BMC re:
Dumping in Storm
Sewers

Clerk Dolnick read Ordinance 78-66 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-66. Richardson read the legislative synopsis.

Morrison gave the committee report, noting a Do Pass recommendation.

Richardson said that the City Engineer feels that this ordinance would make enforcement easier. He then thanked the CETA storm sewer crew for the great job they have done.

Ordinance 78-66 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-77 by title only.

FIRST READINGS
ORDINANCE 78-77
Budget Transfers

Clerk Dolnick read Ordinance 78-77 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 78-11 by title only.

APPROPRIATION
ORDINANCE 78-11
Funds from CC
to Parks & Rec.

Clerk Dolnick read Appropriation Ordinance 78-11 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-75 by title only.

ORDINANCE 78-75
Repeal Residency
Requirements for
Boards & Comm.

Clerk Dolnick read Ordinance 78-75 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-76 by title only.

ORDINANCE 78-76
Amend Residency
Requirements for
Boards & Commissions

Clerk Dolnick read Ordinance 78-76 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-74 by title only.

ORDINANCE 78-74
To Amend Zoning Maps

Clerk Dolnick read Ordinance 78-74 by title only and Richardson read the legislative synopsis.

Olcott moved and Morrison seconded a motion to approve the minutes of September 7, 1978 as submitted. Motion carried by unanimous voice vote.


MINUTES; 9/7/78

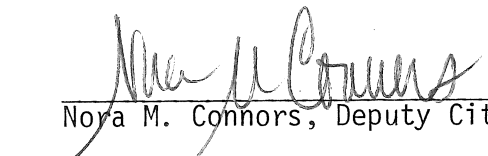
The meeting was then adjourned at 9:15 p.m.

ADJOURNMENT

APPROVE:

ATTEST:


John F. Richardson, President
Bloomington Common Council


Nora M. Connors, Deputy City Clerk

MINUTES approved this 2 day of November, 1978.