

In the Common Council Chambers of the Municipal Building held on April 7, 1977, at 7:30 p.m., with the regular session being presided over by Councilpresident Middleton.

REGULAR SESSION
COMMON COUNCIL

Present: Councilmembers Blume, Kinzer, Middleton, Morrison, Olcott, Richardson, De St. Croix, Towell, Young. Absent: None.

ROLL CALL

Councilpresident Middleton gave the agenda summation. For Second Reading: Ordinance 77-25, To Repeal Chapter 4.12 of the Bloomington Municipal Code, Entitled, "Auctioneers"; Ordinance 77-26, To Amend Chapter 12.23 of the Bloomington Municipal Code, Entitled "Truck Routes"; Ordinance 77-27, Annexation of Contiguous and Adjacent Property, re: NW corner of Sare and Rogers Road; Ordinance 77-28, Annexation of Contiguous and Adjacent Property, re: NW corner of intersection of W. Allen St. and Illinois Central Gulf's western rail line; Ordinance 77-23, To Require a Fiscal Impact Statement with Legislation; Resolution 77-13, To Amend the Affirmative Action Plan to include the staffs of elected officials; Ordinance 77-3, To Amend Title 15 of the Bloomington Municipal Code, Entitled, "No Parking Zones"; Resolution 77-29, To Amend Title 15 of the Bloomington Municipal Code, Entitled, "Stop Intersections". For First Reading: Appropriation Ordinance 77-6, To Appropriate Funds from the Cumulative Capital Improvement Fund for Renovations of the Basement of the Municipal Building; Appropriation Ordinance 77-7, To Appropriate Funds for Fleet Maintenance Department; Ordinance 77-14, To Amend the Bloomington Housing Code; Ordinance 77-31, To Repeal and Re-enact Chapter 15.52 of the Bloomington Municipal Code, Entitled "Bicycles"; Ordinance 77-32, To Create a Fleet Maintenance Department within the City of Bloomington; Ordinance 77-36, To Amend Chapters 2.60, 2.77, 2.81, and 2.90 of the Bloomington Municipal Code. Also the minutes for March 3, 17, 24, and 27, 1977 for approval.

AGENDA SUMMATION

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to re-order the Agenda so that Item VIII would precede Item VII.

Councilmember Young welcomed Councilmember De St. Croix "back to the fold" after his absence.

MESSAGES FROM
COUNCILMEMBERS

Councilmember De St. Croix spoke of the many exciting opportunities he had had working with the citizens of Bloomington since his arrival in 1969. He noted that during his absence he had been in California working. He announced that he was going to resign his position on the Common Council as of June 1 because of his plans to move to California in pursuit of business interests. He thanked the people of Bloomington for the opportunity they had given him to serve and the Council for a chance to learn about himself and to work with a talented group of people.

Councilpresident Middleton noted that he and the Council would hate to see Councilmember De St. Croix go, but that they realized that he had a job to do.

Councilmember Blume spoke of the discrepancy between green fees paid to the golf course by county residents and fees paid by city residents, suggesting that county residents be reimbursed the difference.

Councilmember Olcott acknowledged the fine job done by Councilmember De St. Croix during his time on the Council and wished him good luck. He then stated that the City and County Park Boards had reached an agreement

on the City-County Merger. He expressed the hope that the City and County could cooperate as well in other areas such as animal control, ambulance service, etc.

Councilmember Richardson also wished Councilmember De St. Croix best of luck in the future. He spoke of housing inspections, as related to an article which appeared in the Herald-Telephone. He said that the article reports that compromises were made by the tenants, he said that he feels there is very little tenant protection in the state, noting that there is no retaliatory eviction law or warrant of habitability. He said that Councilmember Young and himself agree that the inspection staff needs to be increased for housing units. He added that he would like to discuss revisions of the Landlord-Tenant Ordinance with Al Towell and John Irvine, both drafters of the Ordinance, and others to clarify the City's position on the matter. In regards to the W. First Street drainage problem, he emphasized that it is more important to improve drainage in the areas that are presently developed than those areas with anticipated development.

Councilmember Kinzer remarked that Councilmember De St. Croix's announcement came as a surprise. She said she counted herself lucky to be a friend of his. She added that Councilmember De St. Croix has contributed a tremendous amount to the City of Bloomington.

Rick Lehner of WTIU Channel 30 then spoke about live coverage of Council meetings. He started by noting that the absence of Councilmember De St. Croix will be a quite a loss. He said they are proposing to go live at 8:00 p.m. Live broadcast has been discussed for years, and the modulator/demodulator was purchased nearly a year ago. He said during the Council's break they will do interviews and summary of what had happened during the first half hour of the meeting. He said there are many possibilities to consider with live coverage: phone in from the public, etc.

PETITIONS AND
COMMUNICATIONS

Steve Richardson then gave the Legal Department's 1976 Annual Report.

ANNUAL REPORT
Legal Department

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to accept the Legal Department's Annual Report as submitted. The report was accepted by unanimous voice vote.

Councilmember Richardson then asked about what action the Legal Department takes when there are zoning violations. He gave the example of a person who was turned down for a parking lot and went ahead and bulldozed the area anyway.

Steve Richardson responded the City does have means of redress, noting anyone who comes in after the construction has been done pays higher permit fees, and they are sometimes fined. He said they rely on neighbors to alert the City of violations. The City then puts stop work orders on the area or temporary restraining orders. He said the City has collected a number of fines in the housing code area. When a person has already begun construction, the City has to give them a chance to submit plans and seek permit. If they do get a permit, any injunction the City may give would dissolve. In answer to Councilmember Richardson's statement of concern about people not being punished for violations, Steve Richardson answered that when you put a stop work order on a building, it is of considerable loss to them. He said they do not seek to fine, but to conciliate.

Councilmember Towell said he cannot remember any enforcement action on zoning.

Steve Richardson said there are locations in Miller Drive where this has been done. He reminded the Council that

violators always have the option of appealing before the court may impose its full remedy. In the Annual Report are examples of the City's suing and obtaining mandatory injunctions against individuals for violation of the Zoning Ordinance. Two of these cases were taken to trial and won this year. In answer to a question from Councilmember Towell re: the inclusion of a Deputy City Attorney in this year's budget on a full-time basis, Steve remarked that having a Deputy City Attorney is a great help. For one thing, there is always an attorney in the Office for citizens when they call to answer questions. It also increases their trial capability.

Councilmember Blume then announced the Council's appointments to the Women's Commission, noting the high quality of the applicants: Bonnie Winer, Alice Virginia Wilson Hall and Marsha Snyder. Councilmember Olcott seconded the motion to approve the appointments. The appointments were accepted by a unanimous voice vote.

COUNCIL'S APPOINTMENT'S TO WOMEN'S COMMISSION
Hall, Snyder, Winer

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 77-6 by title only.

FIRST READINGS

Clerk Dolnick then read Appropriation Ordinance 77-6 by title only. Councilpresident Middleton read the legislative synopsis.

App. Ord. 77-6

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 77-7 by title only.

App. Ord. 77-7

Clerk Dolnick read Appropriation Ordinance 77-7 by title only. Councilpresident Middleton read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-14 by title only.

Ordinance 77-14

Clerk Dolnick read Ordinance 77-14 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-31 by title only.

Ordinance 77-31

Clerk Dolnick read Ordinance 77-31 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-32 by title only.

Ordinance 77-32

Clerk Dolnick read Ordinance 77-32 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-36 by title only.

Ordinance 77-36

Clerk Dolnick read Ordinance 77-36 by title only and Councilpresident Middleton read the legislation synopsis.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-25 by title only.

SECOND READINGS
Ordinance 77-25
To Repeal "Auctioneers"

Clerk Dolnick read Ordinance 77-25 by title only.

Councilmember Blume gave the committee report from Public Facilities and read the legislative synopsis. The committee unanimously recommended Do Pass.

Ordinance 77-25 was then adopted by a ROLL CALL VOTE OF Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Blume seconded a motion to introduce and read Ordinance 77-26 by title only.

ORDINANCE 77-26
To Amend Truck Routes

Clerk Dolnick read Ordinance 77-26 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Young seconded a motion to adopt Ordinance 77-26.

Councilmember Blume then gave the committee report noting a Do Pass recommendation by a vote of Ayes: 5, Nays: 0.

Councilmember Towell remarked that at the time of the passage of the Truck Route Ordinance, he had mentioned that he would like to see something done around the 12th Street area and the thought these would be addressed in any amendments. He said his constituents do not particularly want 12th Street as a truck route, but perhaps Indiana and Dunn could be used.

Jim Wray remarked that these amendments were proposed in public meetings of the Board of Public Works and Traffic Commission. He noted that there was a problem with a truck route in the Miller Drive area where stone trucks need a route. He suggested the amendments suggested since those that were approved by the above groups be brought back to them for approval. He said he would like to be able to post the signs for these routes now to see how it works and then make further amendments in May.

Councilmember De St. Croix moved and Councilmember Towell seconded a motion to table Ordinance 77-26 until a few additions could be made by the Board of Works & Traf. Comm.

Ordinance 77-26 was then tabled by a ROLL CALL VOTE of Ayes: 7, Nays: 2 (Kinzer and Blume).

(Councilmember Blume suggested that the amendment be passed and that additional corrections be made at a later time since leaving the two streets in 77-26 out was only an oversight).

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-27 by title only.

ORDINANCE 77-27
Annexation Sare &
Rogers Road property

Clerk Dolnick read Ordinance 77-27 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to adopt Ordinance 77-27.

Councilmember Olcott gave the committee report, noting a Do Pass recommendation as amended. He then read the amendments which would exclude Sare and Rogers Roads from the legal description in parts A. and B.

Councilmember Towell asked what the advantages would be in excluding the two roads.

Steve Richardson answered that the committee asked for it. He explained that the reason the road was included in the first place is because the description was drawn from very old plats, which divided the two landowner's property right up the middle of the road. This is the petitioner's request.

He went on to say that the City does not have a road system that supports those, and the City would be taking out a part of a lane in the middle of the road and one quarter of an intersection.

Councilmember Blume remarked that it was discussed in committee with a fiscal impact statement. He said they thought if they annexed the two roads, it may be more expensive than the City can afford.

The amendment to Ordinance 77-27 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-27 as amended.

Ordinance 77-27 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-28 by title only.

ORDINANCE 77-28
Annexation of
NW Corner of Inter=
section of W. Allen
Street & Ill. Central
Gulf's western rail
line

Clerk Dolnick read Ordinance 77-28 by title only. Councilpresident Middleton read the legislative synopsis.

Councilmember Olcott gave the committee report, noting a Do Pass recommendation. The land will have mini-warehouses on it, and it is voluntary.

Councilmember De St. Croix moved and Councilmember De St. Croix seconded a motion to adopt Ordinance 77-28.

Ordinance 77-28 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to introduce and read Ordinance 77-23 by title only.

ORDINANCE 77-23
To Require a Fiscal
Impact Statement w/
Legislation

Clerk Dolnick read Ordinance 77-23 by title only and Councilpresident Middleton read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-23.

Councilmember Blume gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 4, Nays: 1 (Olcott). He read the synopsis and noted that it was tabled the first time the committee met for revisions, because some Councilmembers felt it was too complicated and would take too much time and effort to prepare. It was revised in a new form, and the committee was assured that it would not add any expense to have a statement. Most of the information gathered is compiled anyway by the City Controller and it would be a document of what she has done. The fiscal impact statement for this ordinance was read.

Councilmember Kinzer moved and Councilmember Blume seconded a motion to amend the ordinance in Section 2 and in the third whereas clause to exclude "and that the fiscal impact statement will be distributed as broadly as are copies of legislation." The old Section 2 was deleted and the new reads: "the fiscal impact statement shall set forth all fiscal data relevant to the legislation, briefly explaining the effect on the costs and revenues of City government, the effect on other governmental units, the source of funds affected and factors apparent now which could lead to significant additional expenditures in the future."

Councilmember De St. Croix complimented Councilmember Kinzer on the fine work she did on the ordinance. He urged the ordinance's adoption.

The amendments to Ordinance 77-23 were then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 1 (Olcott).

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-23 as adopted.

Councilmember Olcott explained the reason he is against the ordinance. He said he is concerned that the Council will get tied up in paper work and that the opinion expressed in the FIS will be only one person. He said fiscal impact questions could be answered without the ordinance. He noted that it is the Department Head's responsibility to keep track of their line item balances. He said the time expended to make the FIS would not be worth it for all the extra paper and bureaucracy. He said it is a good idea to know where your funds are going, but that he would like to keep that in the hands of the Mayor and the Controller's Office and Department heads.

Councilmember Towell said that there are always budgetary statements about ordinances, but this one would be official, they will have to hold down their estimates and perhaps then we'll have less paperwork.

Councilmember De St. Croix said that the diversity of funding sources has grown over the years; revenue sharing, cumulative capital, community development, local road and street. The types of "fiscal juggling" available to the City is more complicated and the demands for the dollars have increased. With inflation, the ability to meet those demands has decreased. He said a FIS would give the Council an opportunity to decide if the money is well spent, and allows them to review a track record of expenditures. He said it will result in more paperwork but it is worth it.

Councilmember Middleton *stated* that whereas clauses do not belong on ordinances and asked that they not be put in ordinances in the future.

Ordinance 77-23 was then adopted as amended by a ROLL CALL VOTE of Ayes: 8, Nays: 1 (Olcott).

Councilmember De St. Croix moved and Councilmember Kinzer seconded a motion to introduce and read Resolution 77-13 in entirety.

RESOLUTION 77-13
To Amend the
AAP to include the
staffs of elected
officials

Clerk Dolnick read Resolution 77-13 in entirety. Councilpresident Middleton read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Resolution 77-13.

Councilmember Blume then gave the committee report, noting a Do Not pass recommendation by a vote of Ayes: 1 (Kinzer), Nays: 4. He noted that the committee felt that there was no reason to cover people that neither the state or federal government include in their Affirmative Action Plans.

Councilmember Richardson said it looks very hypocritical for the City to insist on affirmative action plans for those that deal with the City, and not require them for their own staffs. He said it does not make sense to compare the requirements set by City governments to those of State and Federal government, they are different bodies, and they are also hypocritical.

Councilmember De St. Croix asked what the benefits and arguments are for not covering the staffs of elected officials.

Councilmember Blume gave the example that what if Mayor McCloskey wanted to appoint Jack Hooker and could not. He said the Mayor should have the prerogative to select whom he wants to without being subjected to affirmative action plans.

O.J. Silas, Equal Opportunity Officer, then explained what hiring under affirmative action means. She said if the resolution passed, the staffs of elected officials would be protected, but it does not mean the Mayor would have to hire someone who is not qualified for the position. She said this would also facilitate more accurate EEO-4 form records of the work force. It does not presently give an accurate reading since these people are excluded. In answer to a point made by Councilmember Blume made re: "ratios" being required, she answered that he is confusing "goals" with "quotas". Only the courts can set quotas and usually only when they can document prior discriminatory practices. Goals are something you are working towards. He would be encouraged to hire a minority if they were qualified. The courts would be the only ones that could demand this.

Councilmember Olcott asked why the state and federal do not require their staffs to be included?

O.J. Silas answered that she didn't know, but there are many federal agencies who require others to have plans who do not have themselves.

Councilmember Olcott remarked that the Councilmembers who voted against the resolution were not voting against affirmative action, but were concerned about the coverage given to certain groups in the City under the human rights ordinance. He said he did not want to see this expanded.

It was determined that "staffs of elected officials" would mean all department heads except those who are under the jurisdiction of a Board or Commission: Planning, Redevelopment, Parks and Recreation, Human Rights Commission, Utilities, etc.

Councilmember Olcott moved that Resolution 77-23 be tabled pending additional information on who is covered. Councilmember Richardson seconded the motion.

Councilmember Kinzer stated that she told the committee who was covered. She also noted that staffs of elected officials are not covered under the City's grievance procedures, which she feels is wrong. She said if the City requires affirmative action, they really cannot exclude such a large number of people. She asked that others be heard tonight before the resolution is considered for tabling.

Councilmember Richardson said it really does not matter if only a few are covered, the point remains that the City should practice what they preach. He said he would vote for adoption.

Sally Hunt, Chairperson of the Commission on the Status of Women, stated that the Commission supports the amendment, noting that it is in keeping with the spirit of affirmative action.

In answer to a question from Councilpresident Middleton regarding whether the courts can tell elected officials whom they can hire, Councilmember Richardson said that there was a case in Chicago where this was done. This was done when a new administration came in and began firing people because of their political persuasions. The courts said they could not do this in non-policy areas. Elected officials also have to comply.

Steve Richardson pointed out to define an office holder as guilty of discrimination you would have to prove that they have actively attempted to exclude certain individuals who enjoyed protection of the law. This is a ruling that only a court can make. These things are looked at over a long period of time.

Councilmember De St. Croix said that by requiring the staffs of elected official be included under the affirmative action plan you would be creating a difficult situation, but only because the City would be committing itself to breaking away from established hiring patterns; changing attitudes in regards to what constitutes a good employee, hiring people that don't belong to the "good old boy club". He said the Council has started down this road through their interviewing procedure. The most important thing is that the City would be saying would comply with affirmative action plans because it is right for contractors, other departments, and ourselves. He said the City should experience the difficulty of committing themselves to affirmative action for their staffs to understand what it means to work under one, what the problems are, etc. He said it is an important leadership move on the part of elected officials.

Councilpresident Middleton said the Council and Mayor have endeavored to follow the affirmative action plan whether they are required to or not.

Councilmember Morrison noted that federal funding is impossible to obtain unless you have a good affirmative action plan. He said this would allow the staffs of elected officials to file grievances with O.J. Silas through her office.

Councilmember Blume said he still contends that this would be saddling the Mayor with something that he should not have to deal with. He should be able to choose his staff according to whom he can work with, etc. to get the work done. He said if the federal government excludes them, then the City should follow suit.

Councilmember Olcott reiterated Councilmember Blume's remarks, but added that he does not always agree with the federal government in their policies. He said if the Council or Mayor do not treat people fairly in hiring practices, the public would know about it, and the Council is accountable to them. He said anyone could write a job description tailored exactly to the person they have in mind to hire.

Councilmember Kinzer told the Council that the Mayor has endorsed the resolution, and read a short memo from him stating that the resolution is just good common sense policy. She said their staffs can file grievances, but enforcement of the outcome is difficult if they are excluded from coverage.

Councilmember Young noted that this is only a resolution, which is a suggestion and a statement of policy, not something that would "force" elected officials to do anything.

Resolution 77-13 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 2 (Blume, Olcott).

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-3 by title only.

ORDINANCE 77-3
No Parking Zones

Clerk Dolnick read Ordinance 77-3 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-3.

Councilmember Olcott read the synopsis and gave the committee report. The posting of the signs have been delayed due to the inclement weather. The committee recommended Do Pass by a vote of Ayes: 5, Nays: 0.

Ordinance 77-3 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-29 by title only.

ORDINANCE 77-29
Stop Intersections
1st & College Sts.

Clerk Dolnick read Ordinance 77-29 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-29.

Councilmember Olcott gave the committee report from Community Development. The committee recommended Do Pass by a vote of Ayes: 5, Nays: 0. He read the legislative synopsis. There are plans to put in lane lines and flashing red and yellow lights at the intersection.

Councilmember Morrison said it is a very bad intersection, aggravated by the freight train situation. He said flashing lights would be a good idea.

Ordinance 77-29 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to approve the minutes of 3/3, 3/17, and 3/24 be approved. The minutes were then approved by a unanimous voice vote.

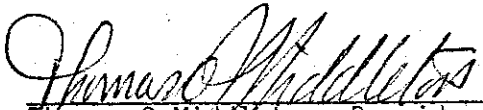
MINUTES for APPROVAL
3/3, 3/17, 3/24/77

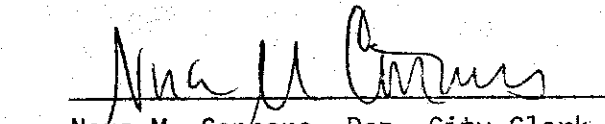
The meeting was then adjourned at 10:05 p.m.

ADJOURNMENT

APPROVE:

ATTEST:


Thomas O Middleton, President
Bloomington Common Council


Nora M. Connors, Dep. City Clerk

Approved upon this 5 day of May, 1977.

nmc