In the Council Chambers of the Showers City Hall on Wednesday, February 20, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 20, 2013

Roll Call: Neher, Rollo, Ruff, Sandberg, Spechler, Volan, Granger, Sturbaum
Absent: Mayer

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

There were no committee reports at this meeting.

REPORTS

COUNCIL MEMBERS

Marty Spechler spoke on the Keystone XL oil pipeline and its presidential approval. He said since the environmental risks to water supplies in the US had been addressed this measure should be approved by President Obama. Spechler said the oil was needed to keep gas prices down and to replace dirty coal. He said Canada saw the pipeline as vital to its growth, and if it's not approved Canada may sell the oil to China where the resulting pollution would be worse. He said using the Alberta Oil Sands to replace Venezuelan heavy crude would guarantee abundant energy far into the future.

Steve Volan said two weeks ago he went to Indianapolis to testify against HB1311. He said the bill included a provision that would have prevented out of state college students from voting in Indiana elections. He said he believed that the provision had been taken out of the bill. Volan noted recent night club fires in college towns, Santa Maria, Brazil and Rhode Island. He said that causes of the fires involved bands using pyrotechnics and the night club having flammable foam in the ceiling. He said the loss of life in these college communities made him think of the details of our own fire code.

Dave Rollo said he and Spechler agreed on 90% of issues, but he took exception with support for the Keystone XL Pipeline. He said the oil was extracted with what was essentially a mining operation from sand that was the consistency of asphalt and was dirty oil. He said the oil had to be stripped by natural gas and steam pressure, put in settling ponds and that the yield was 2.5 units of energy for every one expended in getting the oil.
He said this was extracting the worst grades of oil and the sole reason that Canada could not meet their Kyoto obligation. The maximum production would be 3-3.5 million barrels per day. The US uses about 18 million barrels per day while Canada would be exporting less oil because of their own needs. He said for climate reasons, it was a waste of energy, a threat to the climate because of the amount of carbon released in the process, and was an indication that we needed to come to terms with the fact that conventional oil production was nearing an end. He said what was needed was a massive conservation and efficiency project to prevent climate havoc and to adapt to a new energy reality. He said he was vehemently opposed to the pipeline and hoped that President Obama would reject it.

Byron Bangert, Chair of the Human Rights Commission, presented the 2012 Human Rights Award to long-time attorney and activist Guy Loftman.

The MAYOR AND CITY OFFICES
- 2012 Human Rights Award

True to his activist nature, Loftman thanked the Commission for the award, saying "Let us all struggle together." He invited all to a

community discussion entitled "The New Jim Crow" on April 2, 2013 at 7 pm at the Second Baptist Church at 8th and Rogers.

2012 Human Rights Award (cont'd)

There were no reports from council committees at this meeting.

COUNCIL COMMITTEES

President Neher called for public comment:

PUBLIC

David Gulyas, resident of W 8th Street, said that the Near West Side Neighborhood Association was opposed to the proposed waste transfer facility to be located near there. He said several other neighborhood associations were also opposed to the location in the residential area. He shared a study that was conducted regarding a similar facility in Colorado and provided copies to the council. He cited the study finding that this land use was considered noxious, the location of the facility was often in low income or minority neighborhoods, and that significant impacts on property values in the areas of these facilities had been found up to 1.8 miles from the site. He said dust, noxious odors, high traffic levels, high noise levels and rodents and vermin would be the result of this facility, and that neighbors feared these health and safety concerns.

Glen Carter lauded Guy Loftman for receiving the Human Rights Award. Carter said he agreed with the previous speaker, and that his studio was adjacent to the transfer facility, and he was worried about the environmental impacts on air quality and attraction of vermin. He also said that he worried about the reconstruction of a corner gathering place on 6th and Lincoln. He hoped that a bench and tree would be replaced soon and that the purpose of the construction was not to eliminate the gathering of homeless people there. He said other areas and businesses had eliminated such gathering places for buskers, musicians and folks who want to sit and converse. He said this was discrimination and an alarming trend.

Nicole Johnson congratulated Guy Loftman. She also opposed the waste transfer facility, especially considering that the proposal was to not have an interchange on Vernal Pike if I-69 were built. She said this would mean the access to this waste transfer facility would be through neighborhoods. She said she was working on a project that would bring economic discrimination in Bloomington to an end through art. She said that homeless persons would be interviewed and archived for an exhibit. She also wanted the council to know that the community was awaiting the return of the space at 6th and Lincoln that she called "The Office."

Daniel McMullen mentioned a "Day of Resistance" (being coordinated by the Tea Party) that would address gun rights. He noted that he was in support of the US Constitution, and invited council members to attend.

President Neher appointed the following council members to council interview committees:

APPOINTMENTS TO BOARDS AND COMMISSIONS

- Committee A- Spechler, Mayer, Sturbaum
  (covers Animal Control, Board of Zoning Appeals, Commission on Aging, Historic Preservation Commission, Housing Quality Appeals Board, Public Transportation Corporation, Redevelopment Commission, Urban Enterprise Association)

- Committee B- Granger, Volan, Ruff
  (covers Bike and Pedestrian Commission, Bloomington Digital Underground Advisory Committee, Commission on the Status of Black Males, Commission on the Status of Women, Environmental Commission, Reverend Dr. Martin Luther King, Jr. Birthday Commission, Telecommunications Council, Traffic Commission)

APPOINTMENTS TO BOARDS AND COMMISSIONS *(cont'd)*

- Committee C- Neher, Rollo, Sandberg
(covers Bloomington Arts Commission, Commission on Hispanic and Latino Affairs, Commission on Sustainability, Commission on the Status of Children and Youth, Housing Trust Fund, Human Rights Commission, Tree Commission, Utilities Service Board)

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Resolution 13-06 To Approve Recommendations of the Mayor for Distribution of Community Developme Block Grant (CDBG) Funds for 2013.

It was moved and seconded that Resolution 13-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1.

It was moved and seconded that Resolution 13-06 be adopted.

Lisa Abbott, Director of Housing and Neighborhood Development (HAND), gave a brief overview of the distribution of funds from the Federal Housing and Urban Development agency. She addressed a question from the committee meeting regarding the Rockport Road construction. She exhibited a map that showed the proposed 1600 foot sidewalk, stormwater improvements, new pavement and lowering of the hill at Rockport and Coolidge to improve the line of sight. She said that the project would link a housing project that served low income residents with Summit Elementary School, parks and the Community Kitchen.

A call for public comment on this legislation brought one person to the podium. Larry Jacobs, member of the Monroe County United Ministries board, thanked the council for the appropriation for the 96 children in the school. He noted the appreciation of the MCUM board and staff for this funding.

Sturbaum said that the CDBG fund was actually our tax money coming back to be spent at the local level, and that the expenditures were carefully considered and distributed wisely.

Sandberg said she was part of the panel that made the decisions for the social service portion of the CDBG funding. She thanked the committee for their work. She added that the process was bittersweet because every agency did good work, and there was only $118,000 to allocate which made decision making hard. She noted that the question was whether to award a large amount to a few agencies to make a difference, or a little money to many more agencies. She added that federal dollars were shrinking, and noted that the Jack Hopkins Social Services Funding process was about to begin, noting that two of the CAC members would be serving on that committee with council members. She thanked Marilyn Patterson and Bob Woolford who guided the committee through their processes. She said it was heart wrenching to see the needs of this community and wished more could be done to serve those needs.

Granger noted that she would not be voting on this legislation because of her affiliation with Middle Way House, one of the applicants and awardees.

Spechler said HAND oversight of this HUD funding was important and was the responsibility of the HAND staff.

Volan said he never envied the work of this committee, and appreciated the effort made in this endeavor. He noted House Bill 1313 that would eliminate rental inspection programs within the state. He noted that Abbott was also working on this issue at the state level.

Neher asked for the council's indulgence to have Abbott speak to this issue that was of great concern to the city.

Resolution 13-06 *(cont'd)*

Abbott reported that she had been to the state house to speak to the committee that was hearing the bill that would impose a moratorium on all new rental housing inspection programs in cities across the state which would prohibit cities and towns from amending any existing programs or adopting any new fees during this time. She said her understanding was that because Bloomington already had code in place, it wouldn't impact the city at this time. She added that this issue would be sent to a summer study committee and said that things could change in a day. She added that the proposal was tying the hands of cities that wanted to strengthen their housing and neighborhoods and in turn strengthen economic development in the state.
Abbott thanked her staff for their work in support of the legislation.

Neher said that economic pressure on the non-profit agencies was incredible. He thanked the committee and public for their continuing support of these agencies.

Resolution 13-06 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Granger abstained from voting on this item as she is employed by Middle Way House, one of the recipients, despite the fact that the funds would not impact her position at the agency.)

Resolution 13-05 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

It was moved and seconded that Resolution 13-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation on this item.
It was moved and seconded that Resolution 13-05 be adopted.

Ashley Thurmon, Bloomington Housing Authority (BHA) Controller, and intern Amber Gress told of the 1961 agreement with the City of Bloomington that would make a payment for services provided by the city in lieu of taxation. She said that the city annually waived these payments, and said that BHA was asking that a payment of $27,879 be waived.

Spechler asked about recent evictions in the complex. Thurmon said that HUD had a strict grading schedule of local housing authorities, and that one of the most stringent issues was collection of rents. She said that the money was necessary for services. Spechler asked about other violations, and Thurmon said she didn't have immediate knowledge of these particular situations.

There were no comments from the public at this time.

Council comments:
Spechler wondered if, with the growing homeless problem in the city, that there could be a measure of leniency with respect to evictions for non-payment of rent.

Sandberg thanked Thurmon and Gress for the work that they did, and added that the restrictions that they face in their work come from HUD. She said that the social services community knew that they had to work within the rules to keep getting funding in order to provide services. She said it was not easy to deal with people who were struggling in this manner, and expressed her support of this waiver of payment.

Volan said that in tough times the loss of housing might be contributing to the homelessness in the community. He also pointed out that the work of the Bloomington Housing Authority could not do the work of all social agencies, as it had a specific mission. He said both Sandberg's and Spechler's statements were well made.

Resolution 13-05 *(cont'd)*

Sandberg noted a recent conversation with a colleague about people who come out of jail with nothing, and few resources to start a new life. She said it was not good to point fingers, and that all resources needed to be brought to the table to find shelter for all. She said she welcomed the chance to raise this issue in public.

Sturbaum said there was a role to be played by the people being served and it was a complicated issue.

Neher expressed his support of the resolution, and added that there would be a community dialogue to envision how Bloomington as a community could help those most vulnerable. He said he would give specifics at a later date.

Resolution 13-05 received a roll call vote of Ayes: 8, Nays: 0

LEGISLATION FOR FIRST READING

There was no legislation to introduce at this meeting.

PUBLIC COMMENT

There was no public comment in this section of the meeting.

COUNCIL SCHEDULE

There were no changes in the council schedule, but Dan Sherman, Council Attorney/Administrator reminded council members of their committee meetings at the end of the week.

ADJOURNMENT

The meeting was adjourned at 8:40 pm.

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington