City of Bloomington Common Council

Legislative Packet

4 December 2013

Regular Session

For legislation and background material regarding Appropriation Ordinance 13-04, please see the 13 November 2013: Common Council Legislative Packet. All other legislation and background material contained herein.

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409
council@bloomington.in.gov
http://www.bloomington.in.gov/council

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, DECEMBER 4, 2013
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: November 06, 2013 Special Session
November 13, 2013 Regular Session

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)
1. **Councilmembers**
2. **The Mayor and City Offices**
3. **Council Committees**
4. **Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Appropriation Ordinance 13-04 To Specially Appropriate Various Additional Appropriations of Funds from the General Fund, Local Road and Street Fund, the Motor Vehicle Highway Fund, BMFC – 1998 Street Lease Fund, BMFC – Showers Bond Fund, Gold Course Bond Fund, and the Wireless Emergency Fund – (Appropriating Various Additional Appropriations and Reductions of Funds within the General Fund, the Local Road and Street Fund, and the Motor Vehicle Highway Fund; and, Appropriating Additional Expenditures from the BMFC-1998 Street Lease Fund, BFMC-Showers Bong Fund, Golf Course Bond Fund, Rental Inspection Program Fund, Risk Management Fund, and Wireless Emergency Fund)

   Committee Recommendation: Do Pass 8-0-0

2. Resolution 13-15 Supporting Marriage Equality in Indiana (Opposing House Joint Resolution No. 6 and Calling for Repeal of Indiana Code §31-11-1-1)

   Committee Recommendation: None

VII. LEGISLATION FOR FIRST READING

None

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

1. Announcement of a Special Session on December 11, 2013 at 7:30 p.m. for, among other matters, second reading of Ordinance 13-22, which amends Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic." This meeting will be immediately followed by the previously scheduled Committee of the Whole.

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Posted & Distributed: Tuesday, 26 November 2013

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 02 – 06 December 2013

Monday, 02 December

12:00 pm Common Council Sidewalk Committee, McCloskey
5:00 pm Redevelopment Commission, McCloskey
5:00 pm Utilities Service Board, Utilities – 600 E. Miller Dr.
5:30 pm Bicycle and Pedestrian Safety Commission – Work Session, Hooker Room

Tuesday, 03 December

5:30 pm Board of Public Works, Council Chambers
5:30 pm Bloomington Public Transportation Corporation, Transit Building – 130 W. Grimes Ln.
7:30 pm Bloomington Telecommunications Council, Council Chambers

Wednesday, 04 December

9:00 am City/County Employee Blood Drive Challenge, Council Chambers
12:00 pm Bloomington Urban Enterprise Association, McCloskey
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 05 December

10:30 am Address Coordination, McCloskey
4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 06 December

No meetings are scheduled for this date.

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www.bloomington.in.gov/council
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City of Bloomington
Office of the Common Council

NOTICE

2014 COUNCIL SIDEWALK COMMITTEE SCHEDULE FOR DECEMBER

Monday, 02 December 2013 – 12:00p, McCloskey
Thursday, 12 December 2013 – 12:00p, McCloskey
Tuesday, 17 December 2013 – 12:00p, McCloskey

This committee will make recommendations to the full Council for allocation of certain Alternative Transportation Fund monies in 2014. It meets in late 2013 and typically submits a report with recommendations to the Council in January.

This statement is provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

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Suite 110
Bloomington, IN 47404

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www.bloomington.in.gov/council
council@bloomington.in.gov

(ph:) 812.349.3409
(f:) 812.349.3570

RESOLUTION 13-15

SUPPORTING MARRIAGE EQUALITY IN INDIANA
(Opposing House Joint Resolution No. 6 and Calling for Repeal of Indiana Code §31-11-1-1)

WHEREAS**,** on November 19, 2013, Speaker of the Indiana House of Representatives, Brian Bosma, reaffirmed his intent to pursue House Joint Resolution No. 6 (HJR-6), a proposal to enshrine into the Bill of Rights of the Indiana Constitution an enduring ban on both same-sex marriage and any legal status identical or "substantially similar" to that of marriage for unmarried individuals;

WHEREAS, the provisions of HJR-6 are discriminatory and dangerously unclear:

- HJR-6 purports to define legal marriage as between one man and one woman. This subjects same-sex couples to unequal treatment, unequal treatment that is currently codified in State statute: Indiana Code §31-11-1-1 prohibits same-sex marriage and declares that a same-sex marriage legal in another State is void in Indiana;
- HJR-6's language prohibiting any legal status identical or "substantially similar" to marriage is vague wording whose full effects are not fully known. While HJR-6 would prohibit civil unions, it may also impair the ability of unmarried couples to enter into legal agreements, and may threaten the ability of the City of Bloomington and other employers to extend domestic partner benefits to employees;

WHEREAS, Bloomington is a community that cultivates and celebrates diversity -- any State action that harms any of our residents, harms us all;

WHEREAS, the City of Bloomington has a long and sustained history of protecting the human and civil rights of its residents;

WHEREAS, while protecting equity and fairness, government has a positive obligation to ensure that citizens are able to fully realize their basic human capabilities – including capabilities for love and intimacy, represented by marriage;

WHEREAS, adopted twenty years ago, the City of Bloomington's Human Rights Ordinance declares that denying people rights because of their sexual orientation is "contrary to the principles of freedom and equal opportunity and is contrary to the public policy objectives of the City"(Bloomington Municipal Code 2.21.020);

WHEREAS, Mayor Kruzan is a signatory to the *Mayors for the Freedom to Marry Statement*, a declaration signed by 400 U.S. mayors from 37 States, supporting the freedom of same-sex couples to marry;

WHEREAS, our Bill of Rights protects the fundamental liberties of the minority from the whim and tyranny of the majority;

WHEREAS, the Indiana Bill of Rights, Article 1, Section 23, directs that "[t]he General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens;"

WHEREAS, if passed, HJR-6 would be located in the Indiana Bill of Rights; HJR-6's embodiment of marriage inequality undermines Article 1, Section 23 of the Indiana Bill of Rights by denying equal rights to an entire group of Hoosiers;

WHEREAS, as recognized by the United States Supreme Court, the right to marry is a fundamental civil right;

WHEREAS, in the Court's recent ruling on Section Three of the federal Defense of Marriage Act, the Court held that denying federal recognition of valid same-sex marriages, "places same-sex couples in an unstable position of being in a second-tier marriage. The differentiation demeans the couple, whose moral and sexual choices the Constitution protects… And it humiliates tens of thousands of children now being raised by same-sex couples." *United States v. Windsor*, 133 S.Ct. 2675, 2694 (2013);

WHEREAS, Bloomington is home to numerous lesbian, gay, bisexual, and transgendered (LGBT) residents and is a tourist destination for thousands of LGBT visitors each year:

- According to the Williams Institute's analysis of 2010 U.S. Census data, approximately 497 same-sex couples reside in Monroe County, 16 percent of whom are raising children; approximately 274 same-sex couples live within Bloomington's corporate boundaries;
- historically, Bloomington has boasted one of the highest per capita populations of same-sex couples in the nation;
- Bloomington has been ranked as the fourth gayest city in the U.S.; and
- Bloomington is identified as one of the top ten small cities friendly to LGBT travelers, travelers who infuse the local economy with hundreds of thousands of dollars annually while adding to State and local tax coffers;

WHEREAS, civil marriage carries with it an abundance of legal, social, and practical benefits, and imposes a host of legal and social obligations. Students at Indiana University Maurer School of Law have identified 614 rights and obligations that attach to Indiana civil marriage, family, and spousal relationships – rights and obligations that are denied under both HJR-6 and the current State statutory scheme;

WHEREAS, the benefits of marriage equality and the harms of marriage inequality are systemic and well documented;

WHEREAS, marriage inequality is bad for business. To attract, recruit, and retain top talent, a community must offer residents a good quality of life, one that is welcoming and fair. Overt discrimination against a group could deprive Indiana, its businesses, and schools of the talent of both LGBT and fair-minded straight people who will choose to live and work elsewhere. For this reason, Indiana business leaders such as the Indianapolis Chamber of Commerce, Eli Lilly and Company, Cummins, Inc., Emmis Communications, Indiana University, DePauw University, Wabash College, Hanover College, Ball State University, the Christian Theological Seminary, the Purdue University Student Senate, and the Butler University Faculty Senate strongly oppose HJR-6;

WHEREAS, marriage inequality is bad for innovation. As urban studies theorist Richard Florida points out, a community that is welcoming to the LGBT community is a community where people of many different backgrounds and experiences feel at home. Florida has shown a close correlation between a strong LGBT presence in a community and economic growth in the high-tech sector. Bloomington is home to a vibrant gay community and a thriving technology sector. Any State action that sends the message that Indiana does not welcome difference, threatens our economic vitality;

WHEREAS, marriage inequality is bad for economic development. Numerous economic impact studies point out that marriage equality translates into positive fiscal effects and increased economic activity in the private sector and increased revenue for State and local governments, that would otherwise be lost. For example:

- Only one year after New York State passed the Marriage Equality Act, same-sex marriages generated $259 million in New York City alone;
- Five years following marriage equality in Massachusetts, same-sex marriages provided an estimated boost of $100 million to the State economy;
- In the year following marriage equality in Iowa, total spending on wedding arrangements and tourism by same-sex couples and their guests added a $12-$13 million boost to the State and local economies; and
- In the three years following their States' implementation of marriage equality, same-sex weddings are estimated to generate up to $15.5 million in Maine, $62.6 million in Maryland, and $88.5 million in Washington;

WHEREAS, marriage equality is good for children. As recognized by the American Academy for Pediatrics (AAP), decades of peer-reviewed research makes it clear that a child's well-being is more affected by the strength of the relationship between parents, and by a couple's socioeconomic resources, than by their sexual orientation. Studies consistently demonstrate that children raised by same-sex couples are just as successful and well-adjusted as those raised by opposite-sex couples. As declared by the AAP, all children have a right to the financial, psychological, and legal security that inheres in legal marriage of their parents;

WHEREAS, marriage equality is good for the elderly.

- Same-sex couples often face inequities in retirement, and tend to have less retirement income than different sex-couples. In States that provide for marriage equality, this inequity is mitigated by receipt of Social Security spousal, survivor, and death benefits. In States that do not provide for marriage equality, LGBT elderly are excluded from this important benefit. Older LGBT adults have a right to the same benefits enjoyed by their heterosexual counterparts;
- Identified by Forbes in 2012 as one of the top 25 places to retire, Bloomington is home to many aging LGBT residents. Indeed, according to a recent survey conducted on behalf of Area 10 Agency on Aging, six percent of survey respondents age 60 or over in Monroe and Owen counties identify as lesbian, gay, bisexual, or transgendered. Through their professional and life experience, older residents enrich the quality of our community life. Because Indiana does not recognize same-sex marriages, LGBT retirees may choose to retire to a marriage equality State. This would be a loss for our community;

WHEREAS, marriage equality is good for the physical and mental health of LGBT residents, a fact recognized by numerous professional medical organizations, such as the Indiana State Medical Association, the American Medical Association, and the American Psychological Association:

- Legal marriage confers numerous financial and legal benefits, including access to health care. Improved access to healthcare translates into improved health outcomes. Same-sex households have reduced access to health insurance; as a consequence, these households suffer from significantly worse physical health outcomes compared with the community at large. While marriage inequality already harms the health of LGBT residents, HJR-6's prohibition of any legal status "substantially similar" may eliminate domestic partner benefits, injuring the health of LGBT Hoosiers even further;
- In response to institutionalized discrimination, the LGBT community suffers significantly from minority stress, a stress that results in substantially higher rates of depression, anxiety, substance abuse, suicide attempts and actual suicides. In a study evaluating the psychological health of LGBT participants subsequent to the approval of constitutional amendments banning same-sex marriage in 14 States, participants reported a 36 percent increase in mood disorder, a 248 percent increase for generalized anxiety disorder and a 42 percent increase for alcohol use disorder;

WHEREAS, many faith traditions in Bloomington support same-sex marriage and wish to solemnize legal same-sex marriages; over 300 Indiana clergy and faith leaders have indicated their opposition to HJR-6;

WHEREAS, full marriage equality in Indiana respects religious freedom – no religious denomination would be required to solemnize a marriage in violation of his or her right of free exercise of religion guaranteed by the First Amendment;

WHEREAS, the institution of marriage and the ability of people to form families of their own choosing is not static and has changed over time. At previous junctures in history, women were considered property and interracial marriages were prohibited by anti-miscegenation laws;

WHEREAS, we are now at a new juncture. In the space of just ten years, sixteen States and the District of Columbia have recognized the legal right of same-sex marriage. At present, Indiana is currently one of a handful of States that could provide equal marriage to same-sex couples by amending State statute; and

WHEREAS, this is an opportunity. By supporting marriage equality, Indiana has the opportunity to enhance our economic competitiveness, support Hoosier families, and to be on the right side of history.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. As public officials elected to protect the health, welfare, and safety of Bloomington residents, we find that a ban on same-sex marriage threatens our economic vibrancy, harms same-sex families who call Bloomington home, and is antithetical to our community's commitment to inclusiveness.

SECTION II. We affirm that same-sex couples within the City of Bloomington have a fundamental right to marry and to have a marriage that is legal in another State, recognized in Indiana. Therefore, we call upon Indiana legislators to repeal the provisions of Indiana Code §31-11-1-1.

SECTION III. We condemn any effort to enshrine discrimination into the Indiana Constitution and call upon Indiana legislators to reject HJR-6.

SECTION IV. We call upon members of the Bloomington community and all Hoosiers to support marriage equality and to voice their opposition to HJR-6.

SECTION V. We direct the City Clerk to send a copy of this resolution, duly adopted, to members of the Indiana General Assembly representing Bloomington, to the Governor of Indiana, and to the Greater Bloomington Chamber of Commerce.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

_____
DARRYL NEHER, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2013.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmembers Susan Sandberg, Darryl Neher, and Tim Mayer. The resolution calls for marriage equality in Indiana, by both rejecting the proposed amendment to the Indiana Constitution, known as HJR-6, and by repealing Indiana's statutory prohibition of same-sex marriage. Asserting that marriage equality is a fundamental civil and human right, the resolution documents the systemic harms of marriage inequality and the overwhelming benefits of marriage equality. The resolution finds that a ban on same-sex marriage threatens Bloomington's economic vibrancy, harms same-sex families who call Bloomington home, and is antithetical to our community's commitment to inclusiveness. The resolution calls upon all members of the Bloomington community to support marriage equality and for the Bloomington City Clerk to send a copy of this resolution to members of the Indiana General Assembly representing Bloomington, to the Governor of Indiana, and to the Greater Bloomington Chamber of Commerce.

Resolution 13-15
References

CLAUSE [1] - On unclear and dangerous provisions

HJR-6: "Only a marriage between one (1) man and one (1) woman shall be valid or recognized as a marriage in Indiana. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized."
http://www.in.gov/legislative/bills/2011/RES/HJ0006.4.html (accessed 22 November 2013).

Indiana Code §31-11-1-1
Same sex marriages prohibited
(a) Only a female may marry a male. Only a male may marry a female.
(b) A marriage between persons of the same gender is void in Indiana even if the marriage is lawful in the place where it is solemnized.
As added by P.L.1-1997, SEC.3. Amended by P.L.198-1997, SEC.1.
http://www.in.gov/legislative/ic/code/title31/ar11/ch1.pdf (accessed 22 November 2013).

CLAUSE [5] - On positive obligations of government

See, e.g., Carlos Ball, *The Morality of Gay Rights: An Exploration of Political Philosophy*, 17 (2003).

CLAUSE [6] – City of Bloomington's Human Rights Ordinance

The public policy of the City of Bloomington's Human Rights Ordinance is as follows:

2.21.020 Public policy and purpose.
It is the policy of the city that it does not discriminate in the provision or implementation of its programs and services on the basis of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, or disability. It is the public policy of the city to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property, including, but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, or disability, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

The practice of denying these rights to persons because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, or disability is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the city, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex. national origin, ancestry, sexual orientation, gender identity, or disability is the purpose of this section.

It is also the public policy of the city to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

It is hereby declared to be contrary to the public policy of the city and an unlawful practice to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, or disability.
(Ord. 06-07 § 1, 2006; Ord. 02-02 § 1, 2002; Ord. 98-22 § 1, 1998; Ord. 93-28 § 1, 1993; Ord. 83-6 § 2 (part), 1983).

CLAUSE [7] – Mayors for the Freedom to Marry
Mayors for the Freedom to Marry Statement,
http://www.freedomtomarry.org/expressionengine.php?/pages/mayors-for-marriage-statement (accessed 22 November 2013)

CLAUSE [11] - Marriage as a Fundamental Right
See, e.g., *Loving v. Virginia*, "the freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness," 87 S.Ct. 1817, 1824 (1967).

CLAUSE [12] - *United States v. Windsor*
United States v. Windsor, 133 S.Ct. 2675 (2013)
http://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf
(accessed 22 November 2013).

CLAUSE [13] - Bloomington LGBT Statistics

- Gates, G. and A. Cooke, *Indiana Census Snapshot: 2010*. The Williams Institute.
- Smith, D. and G. Gates, Gay and Lesbian Families in the United States: Same-Sex Unmarried Partner Households (A Preliminary Analysis of 2000 United States Census Data). Human Rights Campaign, August 22, 2001). In 2000, the U.S. Census revealed that Bloomington ranked number five among U.S. Metropolitan Statistical Areas in terms of percentage of coupled households (married or unmarried) that are gay or lesbian.)
  http://www.visitbloomington.com/docs/VisitGayBloomington/HumanRightsReport.pdf
  (accessed 22 November 2013)
- Albo, Mike. "Gayest Cities in America, 2010." *The Advocate*, January 13, 2010.
- Burra, Kevin. "10 LGBT Vacation Destinations: Small Cities and Towns." *The Huffington Post*, August 28, 2012.

CLAUSE [14] - 614 Rights & Obligations Attaching to Marriage in Indiana

- Indiana Equality Action and Indiana University Maurer School of Law. (2012) *More than Just a Couple: 614 Reasons Why Marriage Equality Matters in Indiana: A Compendium of the Rights and Responsibilities of Civil marriage in the Indiana Code*.

CLAUSE [17] - Marriage inequality is bad for innovation.

- Florida, Richard, *The Rise of the Creative Class: Revisited*, (2012: Basic Books), 237-239.

CLAUSE [18] – Marriage inequality is bad for economic development.

- New York City, Office of the Mayor. (2012) *Mayor Bloomberg and Speaker Quinn Announce Same-Sex Marriage Has Generated $259 in Economic Impact In the Last Year* [Press release]. (July 24, 2012) Retrieved http://www1.nyc.gov/office-of-the-mayor/news/276-12/mayor-bloomberg-speaker-quinn-same-sex-marriage-has-generated-259-million-economic
- Goldberg, N., M.D. Steinberger, M.V.L. Badgett. (2009). *The Business Boost from Marriage Equality: Evidence from the Health & Marriage Equality in Massachusetts Survey*. The Williams Institute.

- Kastansis, A., M.V.L. Badgett, J.L. Herman. (2011). *Estimating the Economic Boost of Marriage Equality in Iowa: Sales Tax*. The Williams Institute.
- Kastansis, A., M.V.L. Badgett, J.L. Herman. (2012). *The Economic Impact of Extending Marriage to Same Sex Couples in Washington State*. The Williams Institute
- The Williams Institute. *Wedding Spending in Maine, Maryland, and Washington will generate over $166 Million in the First Three Years* [Press release] Retrieved http://williamsinstitute.law.ucla.edu/press/press-releases/12-nov-2012/

CLAUSE [19] - Marriage equality is good for children.

Biblarz, T.J. and Stacey, J. (2010), "How Does the Gender of Parents Matter?," *Journal of Marriage and Family*, 71(1): 3-22.

CLAUSE [20] – Marriage equality is good for the elderly.

- Goldberg, N. (2009). *The Impact of Inequalities for Same-Sex Partners in Employer-Sponsored Retirement Plans*. The Williams Institute.
- National Research Center (2013). *Community Assessment Survey for Older Adults, Area 10 Agency on Aging 2013*, p. 53.
- Barrett, W. "The Best Places to Retire in 2012," *Forbes*, June 6, 2006.

CLAUSE [21] – Marriage equality is good for physical and mental health.

- Buffie, W.C. (2011)"Public Health Implications of Same-Sex Marriage." *American Journal of Public Health* 101(6):986-990.

- Hatzenbuehler, M. L., McLaughlin, K. A., Keyes, K. M., & Hasin, D. S. (2010). "The Impact of Institutional Discrimination on Psychiatric Disorders in Lesbian, Gay, and Bisexual Populations: A Prospective Study." *American Journal of Public Health,* 100: 452-459.

City of Bloomington
Office of the Common Council

To: **Council Members**
From: **Councilmembers Susan Sandberg, Darryl Neher, and Tim Mayer**
Re: **Resolution 13-15**: ***Supporting Marriage Equality in Indiana (Opposing House Joint Resolution No. 6 and Calling for Repeal of Indiana Code §31-11-1-1)***
Date: **26 November 2013**

Resolution 13-15 calls for marriage equality in Indiana by rejecting a proposed amendment to the Indiana Constitution and by repealing the existing statutory prohibition of same-sex marriage. Marriage equality means that same-sex couples in a loving relationship have an equal right to make their union legal. It means that these couples have the same rights as opposite-sex couples to take part in all the legal, financial, social, and psychological benefits of civil marriage, should they wish to do so.

This resolution is a reflection of the City of Bloomington's long-standing commitment to protecting the human and civil rights of its residents. Adopted over twenty years ago, the City of Bloomington's Human Rights Ordinance declares that denying people rights because of their sexual orientation is "contrary to the principles of freedom and equal opportunity and is contrary to the public policy objectives of the City."[1]

This resolution is also an expression of our community *ethos*. Bloomington is a community that welcomes and nurtures diversity. Inclusiveness is a key constituent of our community's character. That's why many people choose to live, work, raise a family, and retire here. It's part of what makes Bloomington a top tourist destination. It's why companies and entrepreneurs choose to make Bloomington home. It's what makes Bloomington great. By rejecting the proposed constitutional ban and repealing the existing statutory ban, we have an opportunity to make a great city and a great State even better.

[1] Bloomington Municipal Code 2.21.020

Current Law: Codified Discrimination
At present, marriage is unequal in Indiana. Indiana Code §31-11-1-1 directs that: "(a) Only a female may marry a male. Only a male may marry a female; (b) A marriage between persons of the same gender is void in Indiana even if the marriage is lawful in the place where it is solemnized." Indiana lawmakers have indicated that they want to take this unequal treatment further by enshrining the prohibition of same-sex marriage into the Indiana Constitution. Once enshrined into our State Constitution, the prohibition of same-sex marriage would be immune from removal by a vote of the Indiana General Assembly.

Proposed Discriminatory Constitutional Amendment
Known as HJR-6, this proposed amendment has two components: the first eliminates same-sex marriage; the second prohibits any legal status identical or "substantially similar" to that of marriage for unmarried individuals.[2] As has been pointed out by many, the second component of the proposed amendment is so vague, that its reach is unclear. The provision would most certainly ban civil unions, but could impair the ability of same-sex couples to enter into legal agreements and may threaten the ability of the City of Bloomington and other employers to provide domestic partner benefits.

An amendment to the Indiana Constitution requires that two separately elected General Assemblies approve the exact same wording of the amendment. If approved by both separately-elected bodies, the question is put to voters in a referendum. The Indiana General Assembly approved the language of HJR-6 in 2011. Speaker of the Indiana House of Representatives, Brian Bosma, has recently reaffirmed his intent to pursue HJR-6 in the 2014 legislative session. If the measure passes the 2014 General Assembly, the question will be put to Indiana voters in the November 2014 general election.

The Marriage Equality Moment: Law and Public Sentiment
Indiana legislators plan to move HJR-6 forward at a moment when courts are declaring same-sex marriage bans unconstitutional and when more and more States are making same-sex marriage legal. So much has changed just very recently. In June 2013, the United States Supreme Court struck down Section 3 of the federal Defense of Marriage Act (DOMA), which denied federal recognition of the marriage of same-sex couples who were legally married under State law.[3]. In the two months in which we've been working on developing this resolution, New Jersey, Illinois, and Hawaii have made marriage equal in their States. Indeed, in the space of just under ten years, sixteen U.S. States and the District of Columbia have legalized same-sex marriage.[4]

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[2] The exact wording of HJR-6 is as follows: "Only a marriage between one (1) man and one (1) woman shall be valid or recognized as a marriage in Indiana. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized."
[3] *United States v. Windsor*, 133 S.Ct. 2675 (2013). Notably, the Court did not consider Section Two of DOMA, which leaves it up to each State to determine whether it will recognize same-sex marriages performed in other States
[4] California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Rhode Island, Vermont and Washington.

Similarly, just as law is changing rapidly, so too is public sentiment. Marriage equality touches us all, through our own partnerships and/or through our family, friends, neighbors and co-workers. A recent Statewide poll indicates that Indiana residents' understanding and acceptance of same-sex marriage is changing: according to the poll, most Hoosiers have a family member or friend who is gay and nearly two-thirds of Indiana voters do not support amending our constitution to ban protections for same-sex couples.[5]

The Resolution

This resolution was developed in close collaboration with community stakeholders. On 17 September 2013 we met with over twenty local residents in a public "Listening Session" to discuss marriage equality and what they would like to see in a Council resolution. Subsequent to this meeting, we developed language and circulated the draft language for further feedback. The result is Resolution 13-15. This resolution aims to develop a picture of the systemic harm of marriage inequality and the overwhelming benefits of marriage equality. The harms and benefits documented in the resolution are illustrative, but are by no means exhaustive.

As the resolution points out, denying same-sex Hoosier couples and their families equal access to legal marriage has economic, social, physical health, and mental health consequences. Businesses such as Eli Lilly and Company and Cummins Engine, Inc. oppose HJR-6 because inequality sends a message that Indiana is not a welcoming place to live and work, making it difficult for companies and universities to attract and retain top talent. As urban theorist Richard Florida points out, communities that are welcoming to gay, lesbian, bisexual, and transgendered residents are places where people of many different backgrounds feel at home and are sites of creativity and innovation. Numerous economic impact studies point out that marriage equality translates into positive fiscal effects and increased economic activity in the private sector and increased revenue for State and local governments. Furthermore, marriage equality provides very real financial, social, psychological, and health benefits to same-sex couples, to children of same-sex couples and to LGBT seniors. Conversely, marriage inequality harms some of our community's most vulnerable residents – children and the elderly.

Marriage equality is long overdue. It is the just and moral right owed to our residents. We respectfully request your support of Resolution 13-15.

[5] Matthews, C. (September 22, 2013). Indiana Statewide Poll. Bellwether Research & Consulting.

BLOOMINGTON HUMAN RIGHTS COMMISSION
RESOLUTION 2013-1

WHEREAS, the Indiana State Legislature plans to consider HJR-6 during the 2014 legislative session; and

WHEREAS, HJR-6 is a proposed amendment to the Indiana Constitution that would prohibit same-sex marriages; and

WHEREAS, Indiana state law already prohibits same-sex marriages; and

WHEREAS, HJR-6 could permanently ban all legal protections for same-sex couples and their families and remove existing protections for unmarried Hoosiers; and

WHEREAS, the Bloomington Human Rights Ordinance declares that denying people rights because of their sexual orientation is contrary to the principles of freedom and equal opportunity; and

WHEREAS, the Bloomington Human Rights Commission is committed to marriage equality for all.

NOW THEREFORE, the City of Bloomington Human Rights Commission resolves that it supports the Bloomington Common Council's efforts to oppose HJR-6 and to endorse marriage equality.

Adopted this 28th day of October, 2013.

BLOOMINGTON HUMAN RIGHTS COMMISSION

In favor	Opposed
Byron Bangert	Byron Bangert
Carolyn Calloway-Thomas	Carolyn Calloway-Thomas
Valeri Haughton	Valeri Haughton
Michael Molenda	Michael Molenda
Beth Applegate	Beth Applegate
Alice Tischler	Alice Tischler

More Than Just a Couple

614 Reasons Why Marriage Equality Matters in Indiana

A Compendium of the Rights and Responsibilities of
Civil Marriage in the Indiana Code

More than Just a Couple: 614 Reasons Why Marriage Equality Matters in Indiana: A Compendium of the Rights and Responsibilities of Civil Marriage in the Indiana Code.

Indiana Equality Action and Indiana University Maurer School of Law. (2012)

[LINKED]

COMMON COUNCIL
SPECIAL SESSION
November 6, 2013

In the Council Chambers of the Showers City Hall on Wednesday, November 6, 2013 at 9:00 pm (after the Committee of the Whole that began at 7:30) with Council President Darryl Neher presiding over a Special Session of the Common Council.

ROLL CALL

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

AGENDA SUMMATION

Council President Neher gave the Agenda Summation

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 13-21 To Amend Title 8 of the Bloomington Municipal Code Entitled "Historic Preservation and Protection" (Changes to Chapter 8.02 – Definitions, Chapter 8.08 – Historic Districts and Standards, Chapter 8.12 – Demolition and Public Safety, Chapter 8.16 – Administration and Enforcement and Chapter 8.20 – List of Designated Historic Districts

It was moved and seconded that the tabled Ordinance 13-21 be removed from the table for consideration. Neher noted that this motion was un-debatable, un-amendable and required a simple majority approval. The motion to remove the ordinance from the table was approved by a roll call vote of Ayes: 6, Nays: 2 (Sturbaum, Spechler).

It was moved and seconded that Ordinance 13-21 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 6-0-0. It was moved and seconded that Ordinance 13-21 be adopted.

Patty Mulvihill, Assistant City Attorney, said the ordinance made three types of changes: language changes to comply with state statutes, language to give the Historic Preservation Commission more guidance with recent problems and fixing citations, and references to make them consistent and correct.

She said the first change was to mirror the state's requirements that conservation district designation automatically be elevated to a full historic district designation three years after it was created unless a majority of the property owners objected in writing. She also said language would be changed to match state statute in the limited conditions where historic structures could be demolished without a certificate of appropriateness. She said that removal of dedicated structures or entire districts were set out in state statute and our code needed to match that language.

She noted the second change allowed repairs to foundations to be done on a historic structure without a certificate of appropriateness. She said that 'substantial removal' would now be defined in the local ordinance. She also noted that enforcement provisions were changed to keep the enforcement and penalties section consistent, and to increase fines to reduce the demolition of structures.

Volan asked why a couple of council members voted not to consider this ordinance. Neher asked that the council members address this question during their comments.

Spechler asked if there were references to a conservation district in the current ordinance. Mulvihill asked Spechler if he didn't really mean state law. She said according to state law historic districts could be established in two phases, but did not name those two phases. She said most units of government referred to the first phase as a Conservation District.

Spechler asked if a procedure had been included for establishing the limits and nature of the conservation district in the City of Bloomington. Mulvihill said that when a conservation district was established guidelines for work on the structures within the district was present in the ordinance.

Spechler asked the procedure for taking and delimiting a conservation district. Mulvihill said this was done by legislative action, the same way

Ordinance 13-21 *(cont'd)*

a historic district would be established. She explained the process that would lead up to the recommendation of the Historic Preservation Commission to the Common Council, including the process of having interim protection until actual council action.

Spechler said he assumed that there would be a public meeting of the people whose property rights would be infringed on. Mulvihill said there was a public hearing at the Historic Preservation Commission level review. She noted that there were usually three initial open meetings before the aforementioned public hearing.

Spechler stated that the interim protection was done without the council's approval and without a public hearing. Mulvihill said the public hearing was at the Historic Preservation Commission level.

Spechler asked what a property owner could do to remove the interim protection. Mulvihill said that if the property owner desired to do something to their property while the interim protection was in effect, they could apply for a certificate of appropriateness.

Spechler asked if there was a provision to call for a real public hearing, and council consideration. Mulvihill said an individual could ask a council member to place the issue on the agenda earlier rather than later, but she disagreed with Spechler's assessment that there was not a real public hearing during the process. She noted that there was a significant turnout for the Historic Preservation Commission's public hearing.

Spechler speculated that there was a method for an appeal to the council to stop the process. Mulvihill said the council vote would end the interim protection.

Sandberg said she was a resident of Matlock Heights, and said the prospective conservation district of that area had been working through the process for quite a while. She said there had been notification of all property owners and noted that the minority of people who were opposed were those who had rental property in the area. She said the neighborhood association communicated well with all affected stakeholders. She said this was about property rights of the neighborhood to prevent intrusion of the area in any way that might damage property values.

Sturbaum asked what the interpretation of state law meant for the existing conservation districts. Mulvihill said that the ordinance before the council did not change anything. She said that under state law, the city's interpretation is that those two conservation districts have elevated to full historic districts. Upon being asked, Mulvihill said it was correct that this was the interpretation of the legal department of the City.

There were no comments from the public on this ordinance.

Council comments continued.

Spechler said he didn't mean to criticize existing operations, but that neighborhoods did not have property rights, property owners did. He said he would support the ordinance, but had a conflict. He said that neighborhoods did not like multifamily housing, even if they were zoned for that. He said the city was gaining over 1000 new residents per year, and needed to accommodate those people. He noted a conflict between the goals of preserving the amenities of a small town, and the assurance of participation in the community. He said flexibility should be kept in mind when accommodating new residents.

Sturbaum responded to Volan's question about his position on the issue. He said he voted to not remove the ordinance from the table because he wanted a little more time for the community to understand the city's interpretation of the state law.

Ordinance 13-21 *(cont'd)*

He said he did not disagree with the city's interpretation, but the unfortunate outcome was that existing conservation districts that were adopted years ago under the understanding of the law would be impacted by the interpretation. He said that people who had selected the conservation district designation for their neighborhoods did not want a historic district, but wanted to protect their neighborhood with the lightest kind of restriction on property changes. He said the city's current interpretation of state law changed that.

He noted that in the past votes for continuing the conservation districts considered the percentage of property owners who wanted to continue the district designation rather than the percentage of property owners who did not want elevation to a historic district.

Sturbaum stated that the districts have now elevated to full districts. As a way to remedy this 'accidental elevation' he would like to interpret with the neighbors, to their satisfaction, the guidelines in such a way that the elevation of the district becomes a friendly elevation. He said the guidelines can be a moderating way of interpreting the rules within each historic district. He wanted more time for the word to filter out into the community. He said that adopting the legislation called that into question and would bring the issue to light. He said that he did not want to withhold the information from the community.

Sandberg said that the latest neighborhood to go through the process is Matlock Heights, where she lived. She added that they knew the process and what they needed to do to keep the conservation district status in the future.

Volan thanked the council members who explained their positions. He said he had misunderstood that the ordinance would change the rules so that the district designated as a conservation district did not elevate automatically.

Sturbaum clarified that the McDoel Conservation District vote was tabulated on the percentage of participants, even though all property owners had been notified. He noted that the new ordinance set the bar higher so that 50% of all owners must oppose the elevation to historic district, which he said was fairly high for both participation and consensus.

Volan said that a concern with historic districts was that the full historic district was a much higher bar and more restrictive. He said the conservation district was popular across the city. He wanted to make sure for future districts and Matlock Heights that the problem would be remedied. He asked if the city could remedy the elevation of those conservation districts that wanted to maintain themselves at that level.

Neher said that this legislation would remedy the situation, especially since the HAND Department was working closely with the Garden Hill Neighborhood on their conservation district designation. He said they had aligned their process with state code to ensure the balloting process moved forward with no ambiguity or confusion.

Neher said conversations had started with former conservation districts that are now considered historic districts to address their concerns.

Addressing Volan's request to hear concerns of other council members, Sturbaum noted that the council and administration wanted to make sure this legislation was in place to make sure that the actions taken in the Garden Hill Conservation District were clearly understood, secure and legal.

Spechler said he first felt that Ordinance 13-21 was not yet 'mature' legislation as he was not clear what legislation changes were allowed at various stages of the process and between different districts.

Ordinance 13-21 *(cont'd)*

Sturbaum said that there was a line between the proposed legislation moving ahead and what had happened in the past. He said the implications on the old districts came from the state enabling legislation; the city was out of line with the state regarding the status of existing districts. He said that the same legislation was driving both issues, past districts and future districts. He said he understood that uncertainties existed, but the Historic Preservation Commission and neighborhoods would work this out with individual district criteria.

Volan said he appreciated the clarification from the council members. He stated his understanding of the impact of the legislation and the impact of the previous districts. He said he wanted neighborhoods to have the protection they needed, while keeping the wishes of the neighborhood.

He noted the great influx of students and new residents, and said Spechler was correct in addressing conflicting concerns, noting the city had room to grow, but also had the means to protect neighborhoods from expansion and development that were not in keeping with their form.

Sandberg said Matlock Heights had some rental properties and the conservation district would not preclude students from moving into the neighborhood.

Sturbaum noted the state legislation did not undermine the full historic districts; that McDoel and Prospect Hill Conservation Districts were the ones that had been elevated to full historic districts and now needed to adjust to that. He talked about the necessity of preserving the form of neighborhoods – streets, trees, alleys, tree plots, and rhythm of structures – and that they were valuable and susceptible to destruction when parts of that form were destroyed or altered by out of scale forms. He said the regret or worry was what had been done to the tool of preserving the neighborhood's forms while allowing a certain amount of growth and change. He said he envisioned talks with the state about enabling legislation to help with this. He promised that he would work with and for the neighborhoods to make this work for them.

Ordinance 13-21 received a roll call vote of Ayes: 8, Nays: 0

COUNCIL SCHEDULE

Dan Sherman, Council Administrator/Attorney, noted that the next council work session would be on November 18, 2013 with topics being EZID deductions and a traffic ordinance.

DISCLOSURE OF CONFLICT OF INTEREST

Stephen Volan, having filed a Disclosure of Conflict of Interest as required by state statute, asked that the council accept the disclosure that he had applied for $1200 scholarship money from the Bloomington Urban Enterprise Association.

It was moved and seconded that Volan's Disclosure of Conflict of Interest be accepted.

The motion to accept the Disclosure of Conflict of Interest received a roll call vote of Ayes: 6, Nays: 0, Abstain 2 (Volan, Mayer).

ADJOURNMENT

The meeting was adjourned at 9:46 pm.

APPROVE: ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

COMMON COUNCIL
REGULAR SESSION
November 13, 2013

In the Council Chambers of the Showers City Hall on Wednesday, November 13, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

ROLL CALL

Roll Call: Rollo, Ruff, Sandberg, Granger, Sturbaum, Neher, Spechler, Volan (arr. 8:35), Mayer
Absent: None

AGENDA SUMMATION

Council President Neher gave the Agenda Summation

APPROVAL OF MINUTES

The minutes for the Regular Sessions of October 16, 2013 and October 30, 2013 were approved by a voice vote with one minor correction.

REPORTS

- COUNCIL MEMBERS

There were no council member reports during this segment of the meeting.

- The MAYOR AND CITY OFFICES

Alice Oestreich, Chair of the Commission on Aging, gave the commission's annual report to the council which highlighted the activities of the commission during the year. She was accompanied by five commission members.

- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

- PUBLIC

President Neher called for public comment.

Gabe Rivera spoke about ending the war on drugs.

Gene DeFelice referred to the Affordable Care Act and comments from a previous meeting by Larry Barker and council members Spechler and Sturbaum. He said that his life was actually less affordable as his hours had been cut and his employer no longer provided health care and as his insurance plan was substandard it would be cancelled. He said he tried the health care exchange and found out that he was not eligible to get insurance from them. He said the ACA had confounded his access to care.

He commented on council member Granger's comment in a previous meeting about plastic bottles being unhealthy and wasteful and that therefore people should refill their own water bottles. He said that was problematic because of a hydrofluorosilicic acid that he said the city Utilities department adds to the water supply.

Travers Marks spoke about parking meters and their effect on his downtown business. He said there would be a couple downtown restaurants that would be closing in the next couple of months. He said the benefit of having meters run until 10:00 pm did not balance the damage being done to the late night businesses by the late night enforcement. He gave some suggestions for enforcement times and strategies. He considered his business use of the Parkmobile service for customers' parking a tax on his business. He said that the longer the council waited to change enforcement to a more reasonable hour, the more businesses would fail. He called enforcement until 10:00 pm ridiculous.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards or Commissions at this meeting.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Appropriation Ordinance 13-03 To Transfer Funds from the Parks Land Acquisition Fund to the Cumulative

It was moved and seconded that Appropriation Ordinance 13-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0.

It was moved and seconded that Appropriation Ordinance 13-03 be adopted.

Capital Development Fund (CCDF) and to Specifically Appropriate CCDF Funds Not Otherwise Appropriated (Appropriating Funds for the Building, Remodeling and Repair of Parks and Recreation Facilities)

Dave Williams, the Operations & Development Director of the Parks and Recreation Department, spoke briefly about the ordinance and asked for its passage. Williams said that none of the expenses were large, but were needed to continue the maintenance and repair that the public was fond of.

Rollo's questions were prompted by two of his constituents. He asked about the condition of the popular unpaved running Winslow Sports Trail, as this ordinance proposed the paving of the trail. Williams said the crushed stone trail was a difficult thing to maintain because of erosion. He said topography caused erosion, and was similar to the path that was eventually paved at Bryan Park. He spoke of a few other trails that have been used by joggers and runners that no longer have ruts in them. He noted that the B-Line Trail had two-foot crushed stone shoulders on either side of the pavement, but still was difficult to maintain in some places.

Rollo asked about the resurfacing of tennis courts and the materials used. He noted that the paving was not done with the correct mixture of sand and paint to produce the best quality surface. Williams said he would mention this issue to John Turnbull, Sports Division Manager, who contracted for these repairs.

There was no public comment on this item.

Mayer thanked the staff of Parks and Recreation for developing the list of extensive repairs and remodeling.

Sandberg said that the city needed to invest in this infrastructure even though it may not be a glamorous expenditure.

Spechler said he appreciated the improvements to the parks, and that many people would see the improvements. He said keeping the parks we have in good shape was the right priority. He said he also appreciated the shift in recreational activities to encourage people of all ages to participate.

Rollo noted the superiority of the Parks and Recreation Department and the amazing job the department had done in servicing the public.

Neher thanked Parks and Recreation for including spectator protection on the ball fields. He also lauded providing the opportunity to develop the switchyard park and balance the need for maintenance with the need for purchase dollars.

Appropriation Ordinance 13-03 received a roll call vote of Ayes: 8, Nays: 0. (Volan had not arrived)

Resolution 13-14 To Amend Resolution 04-02 Which Designated an Economic Revitalization Area (ERA), Approved a Statement of Benefits and Authorized a 10-Year Period of Abatement – Re: The Woolery Stone Mill Parcel at 2200 West Tapp Road (Woolery Ventures LLC, Petitioner)

It was moved and seconded that Resolution 13-14 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. She noted that the public comment segment of this deliberation would serve as the legally advertised public hearing for the tax abatement.

It was moved and seconded that Resolution 13-14 be adopted. Danise Alano-Martin, Director of Economic and Sustainable Development, said that the tax abatement for the redevelopment of the Woolery Stone Mill approved in 2004 was never activated. She explained the plan for investing $6M in the mixed use historic

Resolution 13-14 *(cont'd)*

renovation project. She said approval of Resolution 12-14 would allow eligibility for the tax abatement to continue with the addition of a time deadline for the project to begin. She said under this provision, the underlying designation of the Economic Revitalization Area would expire at that time.

Ruff spoke about the Living Wage Ordinance and its relation to this project. He said that Dan Sherman, Council Attorney/Administrator, agreed with Alano-Martin's statement in a previous meeting that the Living Wage Ordinance would not apply to this tax abatement. He noted that hotel jobs were the very type of job that the ordinance was intended to cover, but that the aspect of a third party developing or operating a hotel was not thoroughly covered.

Ruff asked Alano-Martin if she had talked to the petitioner to see if they would verbally honor the ordinance. Alano-Martin said she did not talk to them about this issue. She added the Living Wage Ordinance would apply to this tax abatement and would not interfere with the petitioner's compliance because the tenants of the project are not covered employees under the ordinance.

Ruff said jobs that were claimed to result from a project that received a significant public subsidy were the exact types of jobs that the Living Wage Ordinance was developed to reach. He said that local government could only include jobs that were contractually related to an agreement. He said this was a large loophole that should be addressed in the future.

Alano-Martin said that she did not ask the petitioner that question specifically, although she told them that they would have to comply with the Living Wage Ordinance.

Ruff asked if the 45 jobs that would result from the project were hotel jobs. Alano-Martin said they were. Ruff reiterated that those jobs would have been covered in the spirit of what the ordinance was intended to do.

Spechler said that the spirit of the Living Wage Ordinance which required the $12 per hour wage was unrealistic. He said few communities in America require such a thing, and it excluded people because of their experience, because they might be handicapped or ex-offenders who were not, yet, worth that wage. He said those were the people he wanted to help get to the first rung of the ladder of employment. He said he was glad the Living Wage Ordinance would not apply to this project.

Spechler said he differed with Ruff about living wage, adding that it would exclude the groups that needed the most help.

Sturbaum said this project had needed a shot in the arm and was the kind of project that might not happen without this help. He said it was worthy and thought it was good to allow extra time to start the project.

Ruff said, having worked for more than two years developing the Living Wage Ordinance with partners throughout the city and community, he felt he could speak well on the spirit of the Living Wage Ordinance. He said this measure was implemented in many states and communities and was not rare, as Spechler had said. He said that his extensive research had shown that there were not the negative effects that were predicted.

Ruff said he voted against the downtown hotel project receiving public benefit when the owners would not verbally commit to paying a living wage. He said their public benefit was an alley vacation which purposely was not included in the Living Wage Ordinance because of the impossibility of a clawback provision or taking back the vacation if the ordinance was violated.

Ruff said he saw many good things in the Woolery project, but could not vote for this project, especially considering his aforementioned vote.

Resolution 13-14 *(cont'd)*

He said he could not vote for this without some kind of verbal commitment by those who would contract for jobs on this project.

Ruff said it was too obvious that wages were a huge problem in the economy as productivity had improved as wages declined. He said the Living Wage Ordinance brought out comments from the Chamber, newspaper and economists who said the sky would fall if the ordinance was passed. Ruff said it hadn't happened, even in those cities and states that have raised the minimum wage. He concluded by saying he hoped the project was successful.

Spechler said he was afraid Ruff was misinformed. He said the problem with the Living Wage Ordinance was not that it's a minimum wage. He said he supported a raise in the minimum wage to keep up with the cost of living. He said the problem was that the living wage was set too high. He said that businessmen who were trying to get the project off the ground were not ready to commit to the spirit of the Living Wage Ordinance. He said he would be in favor of a lower living wage. Spechler said that the living wage or minimum wage in areas Ruff was talking about had a higher cost of living overall. He said $9.00 per hour was a reasonable wage for those starting out. He said we should try to raise incomes in the City of Bloomington by appropriate means, and said he felt Ruff would agree.

Sandberg said the economy wouldn't get better until more people had sufficient wages to contribute to the flow of the economy. She said we needed to attract better paying jobs to the community, especially with the loss of industrial jobs that had been outsourced overseas. She said that our city had a disparity in incomes and that poverty did exist here. She noted her anger at the thought of people working and still in poverty.

She said she was sympathetic to holding people accountable to living wage standards, but that we were now in a loophole. She said it had been explained that the council could not hold a third party that would be a beneficiary of the tax abatement accountable. She understood Ruff's frustration with that.

Sandberg said that the development would benefit the community, but won't make a dent in poverty or working poverty. She said we needed to get smarter people elected to congress to get that issue turned around in the nation.

Ruff noted that President Obama had recently expressed his support for $10.10 minimum wage. He said jobs with public benefits should be held to a higher bar.

Sandberg said the minimum wage, when factored for the cost of living, should be closer to $21.00 per hour. She noted any raise would be minimal and incremental, but a step in the right direction. She again noted the obstruction in congress now. She said that she appreciated Ruff's statements that the council was really trying to make a difference in this matter with the Living Wage Ordinance.

Resolution 13-14 received a roll call vote of Ayes: 6, Nays: 2 (Ruff, Rollo)

Ordinance 13-20 To Amend Ordinance 04-05 Which Designated an Economic Development Target Area ("EDTA") – Re: Woolery Stone Mill, 2200 West Tapp Road

It was moved and seconded that Ordinance 13-20 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 Ordinance 13-20 be adopted. She noted that the public comment segment of this deliberation would serve as the legally advertised public hearing for the tax abatement.

Danise Alano-Martin, Director of Economic and Sustainable

Development, noted that this ordinance would amend the original ordinance for the same Woolery project for the same reasons.

Ordinance 13-20 *(cont'd)*

There were no council questions, and no public comment on this item.

Spechler emphasized that he was in favor of this revision and the Woolery project because he believed that tax abatements that would provide jobs. He said the community needed more jobs with all level of skill, but especially the entry level jobs for those who had been incarcerated and those who were just graduating from school. He said abatements were designed to attract entrepreneurs and business people who would provide jobs.

Ordinance 13-20 received a roll call vote of Ayes: 6, Nays: 2, Abstain: 1 (Volan).

LEGISLATION FOR FIRST READING

Appropriation Ordinance 13-04 To Specially Appropriate Various Additional Appropriations and Reductions of Funds from the General Fund, Local Road and Street Fund, the Motor Vehicle Highway Fund, BMFC – 1998 Street Lease Fund, BMFC – Showers Bond Fund, Golf Course Bond Fund, Rental Inspection Program Fund, Risk Management Fund, and The Wireless Emergency Fund (Authorizing Various Additional Appropriations and Reductions of Funds within the General Fund, the Local Road and Street Fund, and the Motor Vehicle Highway Fund; Authorizing Moving Funds from the Local Road and Street Fund to the Motor Vehicle Highway Fund; and, Authorizing Additional Expenditures from the BMFC-1998 Street Lease Fund, BMFC- Showers Bond Fund, Golf Course Bond Fund, Rental Inspection Program Fund, Risk Management Fund, and Wireless Emergency Fund)

Appropriation Ordinance 13-04

Ordinance 13-22 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Stop and Signalized Intersections, One-Way Streets, Restricted Turns on Red at Signalized Intersections, Angle Parking, No Parking, Limited Parking, Accessible Parking for Persons With Physical Disabilities, Residential Neighborhood Parking, City Hall Visitor Parking, Violations and Penalties

Ordinance 13-22

PUBLIC COMMENT

There was no public comment at this portion of the meeting.

COUNCIL SCHEDULE

Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Monday, November 18, 2013 and noted the items to be covered would include the two items just read for first reading. He said there may be a proposal for the council review of Enterprise Zone Investment Deductions. Neher polled council members for their intentions to attend, and determined that there were sufficient numbers to hold the meeting.

ADJOURNMENT

The meeting was adjourned at 8:45 pm.

APPROVE: ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington