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)

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.

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 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 04-95 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:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington