In the Council Chambers of the Showers City Hall on Wednesday, February 6, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 6, 2013

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Spechler, Volan (8:18 pm), Granger, Sturbaum
Absent: none

ROLL CALL

Council President Neher gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

REPORTS
COUNCIL MEMBERS

Marty Spechler said there was a recent report that the enrollment of Indiana University was slightly less than in previous years. He expressed his preference for fewer students at IU so that current students could benefit from the reduction. He noted the fact that the enrollment at IU was 6% larger than it was 6 years ago which caused higher rents in Bloomington and difficulty for students getting the classes they needed to graduate.

Tim Mayer said he appreciated that the days were getting a little longer and that we'd all feel better with a little sunshine.

Andy Ruff reported on an editorial that appeared in the Memphis, Tennessee *Commercial Appeal*, a major publication in West Tennessee. He read portions of a guest column written by the Commissioner of the Tennessee Department of Transportation. He said that that state was in the same position that Indiana was in regarding the I-69 highway. The column noted the absence of federal funding, earmarks and promises of funding for the highway and the necessary bridges for river crossings involved in this highway. He said that several states would need to use their state funds to complete the work. He said that Tennessee had just stopped the highway work because the money needed would take up the transportation funding for the entire state. Ruff said that the completion of an entire corridor for travel was touted as the economic benefit for the highway, and now the states were left with bits and pieces constructed. He said that in Indiana, 40% of all traditional funding for the entire state would be taken up by the project. He said he would continue to advocate, as gas taxes decline and infrastructure crumbles, to not spend money on the highway.

Darryl Neher reported on legislation that would disenfranchise college students in the state of Indiana. He spoke about a bill that would take away the right of communities to enforce a property maintenance code, and also a bill that would take away cable franchise fees from local communities. He urged folks to take note of these issues and follow them.

Paula McDevitt, Recreation Services Director in the Parks and Recreation Department noted an upcoming program *Weight of the Nation* and noted co-sponsor representatives Nancy Parker, Monroe County YMCA Achieve Coach, and Molly Packard, Achieve coordinator. She said that the Active Living Coalition and Nancy Kalina Safe Space Life Coaching were also involved in the effort. She explained the format of the four film series/two day program that emphasized healthy choices for all the sectors of the community.

The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

COUNCIL COMMITTEES

Toby Myers, Nashville, spoke about the Brown County Junior High School group that won the state competition for *We the People: The Citizen and the Constitution Program.* He said his son and 21 other students were going to compete at the *We the People* Middle School National Finals in May at George Mason University in Washington, DC. Teacher Michael Potts spoke about the program, civic engagement, and the students' fundraising efforts and then three students spoke.

PUBLIC

Public comment *(cont'd)*

Marc Haggerty talked about the land he would lose to the I-69 highway and said the remuneration for it was not enough. He said that others were offered more money for their land.

Gabe Rivera and friend played guitars and sang about ending the drug war and deaths associated with that effort.

Daniel McMullin spoke about gun control saying that the more gun control measures were added, the more violence would be seen.

Glen Carter spoke about a march he participated in that ended at City Hall, and was addressed by the Chief of Police who spoke of a code of conduct for homeless residents. Carter said that more wealthy citizens should also have to sign on to a code of conduct that would not allow them to panhandle to legislative bodies for special tax breaks or government contracts. He asked that the wealthy citizens not cringe at the sight of the poorest citizens.

Lisa Marie Napoli brought students from her Making Public Decisions class to the meeting. She noted the national protest of the Keystone Pipeline and asked if the council could support the effort of the protest with a resolution. Her student Cody Billingsly said he was greatly concerned about Indiana HB1311 and its clause about students who pay out of state tuition being prohibited from registering to vote in Indiana.

Jennifer Mickel said she was a Republican conservative and former candidate for city council and spoke about the MCCSC school calendar.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments at this meeting.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Resolution 13-03 To Confirm Resolution 13-02 which Designated an Economic Revitalization Area, Approved a Statement Of Benefits, and Authorized a Period of Tax Abatement - Re: Tech Park Blvd, Schmaltz Blvd, Lots 1, 6, 7, 8, 10, 11, 12, 13, Mill Creek PUD (Hoosier Energy Rural Electric Cooperative, Inc, Petitioner)

It was moved and seconded that Resolution 13-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis saying that there was no committee recommendation on this item, but that it was legislation to confirm a resolution that was previously approved by the council. She noted *that the public comment segment of deliberation would constitute the required public hearing on this legislation.*
It was moved and seconded that Resolution 13-03 be adopted.

Danise Alano Martin noted the presence of the new Assistant Director of Economic Development and Sustainability for small businesses, Jason Carnes.
She introduced the petitioner, Hoosier Energy Rural Electric Cooperative and noted their desire to build headquarters on the property described in the resolution. She reviewed the request for tax abatement on the improvements on this property. She noted the finding that the TIF would not be harmed by this abatement, and also talked about the benefits of the project, including new tax revenue. She said this was the final legislative step in the process. She asked for the council's approval of the resolution.

Spechler asked if there was a check on the company's promise to provide jobs when a tax abatement was awarded. Alano Martin said that each year the company was required to provide a compliance form. She said the annual report from her office to the council provided details of the performance of each company in this regard.

Larry Jacobs, Chamber of Commerce, said he reaffirmed his previous comments about the merits of the tax abatement. He encouraged support of this measure.

Jennifer Mickel, Republican Conservative, said that she supposed that the city would not need the taxes that this project would provide if not for this abatement. She said the council was pretending that Hoosier Energy would close their doors if the abatement was not given. She said this was costing the city a lot.

Council Comments:
Spechler said he would explain the benefits of the tax abatement to people who had not had the perspective that he did from attending all the meetings and presentations on this issue. He said that tax abatements were to attract businesses and the kinds of jobs we wanted in the community. He said that those people who have the jobs would shop, do business and pay taxes in the community. He added that from the start the company would be paying taxes to the city and to the state, and the benefits to their being on that property was enormous.

Resolution 13-03 *(cont'd)*

Sturbaum noted that the council found out that there was competition for having the business locate in Bloomington. He said the tax abatement was a tool to keep this company in the community. He used the rationale that the company would be paying full taxes after 10 years. He expressed his support.

Mayer noted that there had been two meetings before this and that this legislation was a confirmation of the previous legislation. He said it was a good project and that he was supporting it.

Volan noted that he was late to the meeting because he had been in Indianapolis to testify on the house bill previously mentioned. He noted that everything that came before the council should be questioned, and scrutinized. He said he had previously scrutinized the proposed legislation but thought it was a good idea. He noted that questions asked during these meetings should not be taken as criticism, but careful consideration. He noted, in response to a statement from a speaker from the public regarding checking on the tax abatement promises from the company, that the council would review all the tax abatements in June.

Sandberg said we needed good jobs in the community, and said that the employer who paid $46 per hour was desirable. She said that internships would result from this proposal and she expressed her support for the tax abatement.

Resolution 13-03 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that 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 3-0-6.
It was moved and seconded that Ordinance 13-03 be adopted.

Ordinance 13-03 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Authorizing the Expanded Use of Parking Meters in the Downtown and Related Changes

Mayer moved to postpone consideration of Ordinance 13-03 (until no later than the regular session on March 20, 2013) after a brief public comment period that would allow limited public comment (which would be subject to a second motion). The motion was seconded by Granger.
Neher asked for questions regarding the motion.

MOTION TO POSTPONE

Sandberg asked why the March 20th date was chosen, adding that it might be too quick to consider this issue. Neher said it allowed for six weeks of consideration, but that date was open for discussion.

Neher asked for comments regarding the motion to postpone consideration of Ordinance 13-03.

Spechler said he was in favor of parking meters downtown because the current supply of parking would be reduced by new building and new downtown residents. He added that the council needed to deal with considerations for the future, even if the present situation was tolerable. He said he would vote for postponement because he felt that some loose ends needed to be tied up. He said he would vote yes on this when it came up in March.

MOTION TO POSTPONE *(cont'd)*

Sturbaum said the postponement was respectful of the public, and that the council should take time to make sure the decision and details were right.

Volan noted that people were not aware of the meter types that the city was thinking of using. He said he used advanced meter technology on this very day in another city, and was able to extend that meter time with his cell phone when he was delayed in a meeting. He said he was happy to take more time to make sure that everyone understood the issue before the vote.

Rollo said there were many facets to the parking issue which included revenue, garage parking, and parking spaces on the street. He said he would rather keep the date for a final discussion on this item open ended. He said he would not be voting for the motion to postpone for that reason.

Volan wondered if the proposal could be postponed again if it was needed. Dan Sherman, Council Attorney/Administrator said it would take a simple majority to accomplish that.

Rollo stated again, it was too soon for citizens to have a full grasp of the complicated issue including city revenue issues, and argued again for leaving the date open.

Neher said that after the last meeting many proposals and concerns arose, and that resulted in the motion to postpone. He said that he would request that the Mayor's office release the Request for Proposals for the parking meters to make the discussion more concrete in scope. He added that so far there had been productive dialogue and cooperation that had taken place. He hoped this would continue, and that a viable and productive conclusion would be found.

The motion to postpone Ordinance 13-03 received a roll call vote of Ayes: 8, Nays: 1 (Rollo).

MOTION TO ALLOW COMMEN ON ITEM POSTPONED

It was moved and seconded to have the council allow limited public comment on Ordinance 13-03 before the motion to postpone went into effect at the end of the meeting in particular and in deference to the public who came out to speak on this ordinance.

Volan noted that the public would speak on a measure that there would be no action on. He said that the public should have been able to comment on the motion to postpone the discussion of downtown parking meters.

Sandberg said she welcomed an opportunity to hear from people about the downtown parking meters.

The motion to allow public comment on the postponed item received a roll call vote of Ayes: 9, Nays: 0.

Neher called for comments on the postponed item according to the previous motion to allow public comments.

Marge Hudgins, President of the Old Northeast Downtown Neighborhood Association, which included Kirkwood to 12th Street and from Walnut to Woodlawn. She said that a considerable portion of this neighborhood would be affected by the 'overflow' from downtown parking meters. She emphasized that the Neighborhood did not want parking meters in single family residential blocks, which she said would destroy any semblance of a family area. She said there was concern from neighbors on Washington Street that there would be an effect from meters on Walnut, and that they may not be able to park in front of their houses. She said they would also like to be represented if there was a task force appointed.

John McGuigan, employee of Caveat Emptor Used Books, said he had been active in promoting the Anti-Parking Meter Petition Drive and Bloomington Coalition Against Parking Meters (BCAP). He asked that the

Public comment on Ordinance 13-03

ordinance be shelved permanently. He said the issue was presented as a parking problem, and said the Walker Study had been created to produce a specific result. He said the need for meters to provide spaces in the downtown had been rebutted by people who work downtown every day. He said that now the discussion had turned to the city's revenue and the loss of revenue in parking garages. He claimed the campaign for meters had essentially blamed the people who work and shop downtown for the problem, thus diverting attention from those who manage the public coffers. He said that over 3000 signatures had been gathered to ask that there be no meters in the downtown. He added that BCAP was planning a meeting to work on coherent and plausible ideas and recommendations of both financial and parking issues.

Jim Murphy, CFC, thanked the council for postponing the issue and said he heard a passion and concern from those who had been speaking about the issue. He said the public needed to be educated on the real needs of the city. He noted he didn't have a problem finding a place to park in downtown. He said that between the council, administration and the downtown there existed the talent and commitment to make the proposal a better plan. He said having the TIF paying the deficit, adopting measures recommended in the Walker Study, or working out a new innovative plan were the options he saw at this time. He added that private surface parking lots would be burdened and he worried about predatory towing. He asked that the Ordinance be taken up no sooner than 90 days.

Larry Jacobs, Chamber of Commerce Government Relations Manager for City Government, said that the Chamber recommended a 90 day review period with the establishment of an advisory committee that would study all aspects of the proposed plan. He noted that the council had been sent the Chamber proposal on parking meters in the downtown, and hoped it would be helpful to them.

Glen Carter said he didn't think there was a problem with parking now, although one might exist in the future. He said that there was skepticism about the 2007 Walker Study because of the age of the study. He wondered if the Walker consultants had ever recommended something other than parking meters. He noted that high rise hotels, fancy restaurants, and moving resources for homeless away from the downtown area were all serving to displace people without means from the downtown. He also noted that hardly anyone who does business in the downtown wanted parking meters there.

Chris Cockerham, Vice President for CFC Commercial Properties, thanked the council and mayor for postponing final action on this proposal. He said the economy was fragile and changing. He said that after a recent notice from some CFC tenants that they will be vacating their properties, CFC would soon have an occupancy rate of 82%. He said the decision made on parking meters would be instrumental on marketing their properties. He said he was ready and willing to work on the issue with others.

Jennifer Mickel said we needed to get neighbors involved in this discussion. She said the citizens owned the streets and should not have to pay to park on them. She said that students and residents of apartment buildings should have their own places to park. She said that not all people would have the technology to work meters. She called for better budgeting so that people would not have pay to rent the streets.

Katelin Vesely, Bloomington resident and Athena employee, asked about prospects for the disabled and those who couldn't walk long distances. She said her boss wasn't able to walk more than a block, and worried about two meters per block, and access to handicap spaces.

Danna Jackson, Bloomington resident, said the response to the question about preparing for future demand was in the three parking garages that exist now. She said she was opposed to parking meters in residential areas

Public comment on Ordinance 13-03

and recalled that there was an organized opposition to this issue in the late 1960s. She said that issue changed the political history of Bloomington as Mayor Hooker lost his next election because of his plans to put parking meters in the area from 7th to 10th Streets near the University in order to pay for a parking garage on Kirkwood and Dunn.

Daniel McMullin said that people without means to pay the meter would avoid the downtown, and that parking meters were actually taxes. He said that there was really no current problem, and that the downtown should be left without meters.

Jean Briddell, owner of Know Yoga Know Peace on Morton Street, said she had emailed a proposal to the council regarding parking. She said a trolley system could be a great way for getting people around the downtown after parking in a garage. She proposed garage parkers be able to use their garage ticket as a free trolley ride to their ultimate destination. She said that in the future, even more trolleys and parking garages in the periphery of the downtown would help manage parking demand growth.

Bill Bartley, co-owner of Indiana Running Company on the square, said he was not a fan of parking meters, but appreciated the postponement of the decision calling it an opportunity to learn more. He said he was in support of the Chamber's proposal to get the best minds involved in the decision. He said he attended three meetings the previous fall where the opening comments were about changing people's parking behavior, not money. He said to move forward, all the facts needed to be given to the public.

Matt O'Neill, co-owner of the Runcible Spoon and the Bloomington Cooking School, said the waiters, busboys and people working for the small businesses who made their living downtown would pay the most for parking meters. He said there were "low margin" businesses that contributed to the community in many ways, whose owners put more into the businesses than they would ever get out because it's what they love to do. He said they were special and unique and contributed to the culture of the community. He noted the loss of Ladyman's, Roadworthy, and Jiffy Treat that had closed and left a gap in the community.

There was no legislation for introduction at this meeting. — LEGISLATION FOR FIRST READING

There was no public comment on items not on the agenda. — PUBLIC COMMENT

There were no adjustments or additions to the council schedule. — COUNCIL SCHEDULE

The meeting was adjourned at 9:25 pm. — ADJOURNMENT

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington