COMMON COUNCIL
REGULAR SESSION
December 4, 2013

In the Council Chambers of the Showers City Hall on Wednesday, December 4, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

ROLL CALL

Roll Call: Ruff (arr 7:45), Rollo, Sandberg, Sturbaum, Volan, Granger, Mayer, Neher, Spechler
Absent: None

AGENDA SUMMATION

Council President Neher gave the Agenda Summation

APPROVAL OF MINUTES

The minutes of November 6, 2013 Special Session and November 13, 2013 Regular Session were approved with clarification corrections.

REPORTS

- COUNCIL MEMBERS

Tim Mayer reported that the South Rogers Street project that replaced water, storm water, and sewers was completed. He said the road was a great improvement and was now open with new curbs, sidewalks and sidepaths. He thanked engineering and the public works department.

He said that the Griffy Dam project, funded with a grant from the state of Indiana, was completed. He said the dam was remediated, the discharge tower was reconstructed, the silt had been removed and that the lake had started to fill.

Marty Spechler said he welcomed the appointment of John Whikehart, the chancellor of Ivy Tech Community College, to deputy mayor. He said it was an excellent appointment and he was confident Whikehart would do well in his new role.

- The MAYOR AND CITY OFFICES

There were no reports from the Mayor at this meeting.

- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

- PUBLIC

Mary Howard Hamilton, President of Bloomington Alumni chapter of the Delta Sigma Theta Sorority, Inc., thanked the council for their participation in Delta Days at the council. She said this was part of the national organization's initiative for engagement in political awareness. She said their Social Action chair would be making more connections with the council to be mutually supportive. She said their emphasis was on political awareness, particularly policies and practices that impact marginalized groups and members of the African American community. She said that the group had studied the disproportionate number of African Americans in leadership positions and posts within the Monroe County Community School Corporation, and would hope that the council members would be engaged with equity issues in schools.

She said the group was pleased that the council was comprised of leaders who understood the importance of access and equity, particularly with the preparation of the Resolution 13-15 Supporting Marriage Equality in Indiana. She said that the sorority sponsored Delta Days nationally and at the state capital, and they would like to continue being an advocate in this cause, along with the council.

She commended the mayor for selecting Ms Doris Sims to lead the City of Bloomington's Human Resources Department. She said that she hoped that the city would initiate more practices to encourage women and people of color to run for positions on the council. She noted the gender composition of the council and said the group wanted to find ways to encourage talented, diverse members of the community to become active leaders on the council. She noted council members who had already had conversations of this nature with the sorority.

Neher thanked Ms. Howard Hamilton for the holding a reception earlier in the evening.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Appropriation Ordinance 13-04 To Specially Appropriate Various Additional Appropriations of Funds from the General Fund, Local Road and Street Fund, the Motor Vehic Highway Fund, BMFC – 1998 St t Lease Fund, BMFC – Showers Bond Fund, Golf 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)

It was moved and seconded that Appropriation Ordinance 13-04 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 Appropriation Ordinance 13-04 be adopted.

Sue West, City Controller, noted that this year-end appropriations legislation included appropriations that had been covered in other areas, especially in the general fund. She noted that these were due to operational changes that could not have been predicted at the time the budget was passed.

West said the total additional appropriation amounted to just over $264,000. She noted that $126,000 was from the rental inspection fund. She said the fees from rental inspection were required by state law to be kept in a separate fund, and would now come before council for approval to move these fees into the general fund.

She said that the $112,000 appropriation was from the 911 Wireless Fund which would close the fund. She noted that further appropriations for those purposes would come from an Interlocal agreement with the that would be related to the new joint dispatch center operations.

Rollo asked if the rental inspection fund was used each year in its entirety. West said this covered 55% of the expenses for that operation.

Volan asked if that fund was just an accounting change from the state legislature in an attempt to control rental inspection fees. West said that a new policy was to figure actual costs as of September 30 rather than estimated costs through the end of the year. She said this exact number would be presented in the future.

Spechler asked if it was true that the city would be spending no more money and would not be reducing services to the citizens of the city. West said that no services were being reduced, but that there was a little more money being spent than budgeted in certain funds. Spechler asked the net change. West said the net was the $264,000, and reiterated the previous items.

There were no public comments on this item.
Mayer thanked West for her work in the past year, and noted that she had facilitated a good budget process this year.

Appropriation Ordinance 13-04 received a roll call vote of Ayes: 9, Nays: 0.

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

It was moved and seconded that Resolution 13-15 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation.

It was moved and seconded that Resolution 13-15 be adopted.

Mayer thanked Sandberg for initiating the conversation about this issue and inviting council members to co-sponsors. He thanked Stacy Jane Rhoads and Dan Sherman, council staff, for their help in the preparation of the resolution.

Tim Mayer, Darryl Neher and Susan Sandberg sponsors of the resolution read Resolution 13-15 in its entirety.
There were no council questions on the resolution.

Neher reviewed the guidelines for public comment.

Byron Bangert, chair of the Bloomington Human Rights Commission relayed to the council a resolution adopted unanimously by the Human Rights Commission on October 20, 2013. He read this resolution which supported the council's efforts to oppose HJR-6 and to endorse marriage equality. He said the commission believed that this was a human rights issue and was heartily in favor of the council resolution.

Rob Stone MD, a practitioner in Bloomington since 1983, said that he had been a member of the Board of Trustees of the Indiana State American Medical Association and was present when that body gave its endorsement to the concept of marriage equality. He said the American Medical Association, not known for its progressive stances, took this position several years ago and the Indiana State Medical Association was the first state medical association to endorse marriage equality based on the exact reasoning that was written in the resolution. He said there had been significant peer reviewed literature to support the health advantages of same sex marriage. He said he was proud to be part of the medical community's endorsement of this equality and being on the right side of history.

Jean Capler, President of Fair Talk, said that the grassroots group was working to defeat HJR-6 and to achieve full marriage equality in Indiana by encouraging respectful and honest conversations between Hoosiers. The group encouraged passage of the resolution.

Capler said the legislation being considered by the state legislature would write discrimination into the constitution and would be one of the most divisive and harmful measures to the health and well being of the citizens, especially if the measure would go to a referendum. She said that gay and lesbian citizens would feel targeted, disparaged and marginalized by the debate. She said that over 3600 same sex couples in Indiana were raising children, and that those children would be told that their parents were second class citizens. She said it was the obligation of the council to pass this resolution to send the message to the state legislature that the City of Bloomington would stand up for equality and inclusion for all.

Rob Deppert, chairman of Democracy of Monroe County, said the organization supported the resolution. He said the organization had always stood against discrimination of any kind, including marriage discrimination. He said as an insurance broker he noticed that some companies allowed same sex partner discounts in their underwriting, and that might be jeopardized if the HJR-6 would become law. He said the state legislation, if passed, would show Hoosiers as intolerant and bigoted.

Antonia Matthew said she was a part of a newly formed group, the LGBT Elders, the Rainbow Elders, and that the group was formed because older members of the LGBT community have difficulties that other seniors don't. She said it was stirring and wonderful to listen to the resolution being read and that the document could very well stand with the historic documents of this state. She said it was wonderfully written and wonderfully read, and thanked the council for doing so. She read parts of a letter-to-the-editor from a good friend of hers who said he and his partner were moving to another state that would recognize their marriage. Matthew said this moving was a loss for the Bloomington community at large as these men were creative musicians and experts in their fields of study. He said they gave generously of their talents to the whole community and would be missed.

Lindsey Smith, IU student, Marketing Director for IU College Democrats and intern for Freedom Indiana, said that HJR-6 was harmful legislation and that people should talk to their legislators about it. She said she was thrilled that this resolution would set a precedent in the state and reflected the city's inviting atmosphere and inherent values of equality under the law. She said the resolution would send a strong message state wide and she said she was glad that Bloomington was her home.

Cathleen Weber noted that, as a result of her marriage to her husband John, they had the ability to access over 1100 rights that were automatically conferred by the state's legal recognition of that marriage. She said that those rights had improved their economic situation, helped them pool tax returns and savings to purchase a home, and ultimately open a small business. She said she could not have done that without a legal marriage and all the rights and benefits that came with a state recognized marriage. She said that years of no tax breaks, paying higher rates for insurance and other inequities affect people's ability to be secure in their retirement years.

Weber said that standing up for equality contributed to the economic strength of the community. She stated that we could not stand for living in a community or state that tried to write discrimination into the constitution against any man, woman or child.

Weber ended by saying that it was time that friends, family and colleagues who happen to be Lesbian, Gay, Bisexual, Transgendered or Queer should have the same legal rights and fair footing that she and her husband enjoyed.

Glorianne Leck thanked the council for putting this resolution before the world, and agreed with Matthew's statement that the document could stand on its own as an historical document. She said this resolution was the best one she'd ever seen, even in her stint as the president of the Ohio movement to battle their constitutional amendment. She said that at 72 years of age, she and her partner went to New York to be married in September. She said that the financial need as an elder had spurred this move on their part. She added that the $2000 spent on this trip should have been spent in Bloomington and Indiana.

She said she had been fighting for equal rights for every group her whole life, but never thought that she, as a gay partner, would be able to enjoy benefits.

Faith Hawkins thanked the co-sponsors of the resolution and revealed that she and her partner had been illegally wed since 1997, when no one thought that same sex marriage would ever be a possibility. She said at the time their friends and family didn't understand, thinking that the ceremony had no purpose and no meaning. She added that gay friends thought they were mocking the heterosexuals. She said they wanted to solemnize their commitment to one another and didn't know any other way of doing it other than having a community recognize that the commitment was real and not fly-by-night.

Hawkins said that they burst into tears when they heard about the Supreme Court decision. She said that they had contracted lawyers in every place they had lived to protect them from not being recognized in a next-of-kin relationship in medical situations. She added that this was a deeply personal issue, and that this resolution could help people see that side of the issue. She said that this resolution would help people get to that community recognition.

Charlotte Zietlow said she was a member of the city council in 1975, one of five who voted to include sexual orientation in the human rights ordinance where it remained until the university got it overturned. She said she then watched the difficult and contentious arguments in the

early 90's over the same issue, where again, sexual orientation was again the issue. She said the meetings were hateful and nasty, but that this meeting was quite different as people were speaking from their hearts without fear of being yelled at by others. She said this was such an incredible sign of progress, and that the affirmation of this change at this meeting was the result of incremental steps that had taken place along the way. She thanked the council for their continuing the spirit of Bloomington and reaching, yet, another plateau in making this a better community and a better state.

Barry Magee, artistic director of the Quarryland Men's Chorus, said the group used their voice in support of the GLBT community and wanted to show appreciation for the council using their voice to support that community and the larger Bloomington community. He said he and his partner had been together for eighteen years, and he knew of other couples who had been together for long periods, also. He added that they all thanked the council for support, and gave their support in carrying this resolution onward.

Spechler said that in the US Constitution, Article 1 of the Bill of Rights, we are guaranteed the right of freedom of religion, and that the congress was forbidden to establish religion in the US. He said it was important to understand that marriage was generally known as a religious right and that the resolution did not hinder at all, the practice of traditions, beliefs or recognition of marriage by any religion. He said the opponents of marriage equality had never made a case for damage that would happen if people were allowed to marry another consenting adult, no matter the gender or sex. He said a law that established a religious right as part of the state's constitution would be a violation of Article 1 as it would establish a religious right as part of the secular law. He said he looked forward to the Supreme Court finding that any law in any of the 50 states would be thrown out and found to be unconstitutional under the right of free exercise of religion, whether one has a religion or one doesn't.

Volan noted that the council chambers had been set up for a full house, with overflow accommodations in the hallway. He said issues of far less import were attended by far more people who filled the gallery and hallway. That there were relatively few people attending was a sign of one of three feelings: 1- the acceptance of the diversity had been a part of the local fabric for so long that this resolution was felt unnecessary to Bloomingtonians. 2- the state government was so far out of step with Hoosiers that Bloomingtonians felt that this resolution and comments for it would go unheard in the state legislature. 3- a combination of these two sentiments.

For those who despaired that no one at a higher level was listening, he said that Charlotte Zietlow had just noted it took decades to get to this point. He said that people had to show up and keep showing up for a long time to make change. He said that the nature of the attendance at this meeting was an indication that while people do keep speaking up, eventually it becomes so normal to a community that the idea is not just accepted, but it becomes uncontroversial and mundane and the way things ought to be.

He facetiously noted that a follow-up ordinance granting to married couples in Bloomington the same legal rights as corporations would surely get the attention of the state legislature.

He expressed his support of the resolution.

Rollo expressed his appreciation for the work expended on the crafting of the resolution, and said it was one of the finest resolutions he'd ever heard. He said it was, indeed, an historic document. He expressed his appreciation for the presence of Charlotte Zietlow at the meeting, noting

her decade's long progressive leadership and her historical perspective on this issue.

Rollo noted it was the council's obligation to make sure that this resolution would not go unheard, and asked that everyone contact friends and implore them to contact the statehouse to insure that this travesty, discrimination enshrined in the constitution, did not come to be. He said he was certain that marriage equality would come to Indiana, and that HJR-6 would be reflected on historically as an attempt to step backwards.

Rollo said his relationship with the LGBT community began mostly when he came to Bloomington, where he found their struggles were similar, but also unique, and then they became his struggles. He said a lack of empathy did not allow some people to do this, to see through someone else's eyes. He was proud that Bloomington recognized diversity, basic human capabilities, promoted civil rights, worked to maximize human potential, and that to not do this was to lose as a society.

Sturbaum said that resolutions were extremely important and commended the people in the community, ones who spoke and ones who spoke with their very presence at the meeting. He thanked them all.

Granger said that this was a good example of the council looking ahead in their work, and she was proud of that perspective. She also reminded the council that not everyone supported this resolution and this step. She said she was happy to support the resolution and thanked those who spoke for sharing their stories.

Ruff thanked the sponsors and staff and community members for participating in the crafting of the resolution, and called it a beautiful piece of work. He said it was a proud moment to be on the right side of history. He said his children and grandchildren would look back to this time in our country and note the failure of seeing health care as a human right, the rampant wealth inequality, the failure to effectively address climate change, wars of aggression and imperialism, but that the resolution would make him feel a little better about the legacy of time. He said the resolution gave him hope for the future for the community, country and world. He noted the lack of opposition in the council chambers with regards to online statements of opposition.

Mayer said he traveled to a little town in Iowa during Thanksgiving and noted the open acceptance of marriage equality there, wondering what was wrong with Indiana. He said that HJR-6 was pure politics in the meanest form, and in fact mean spirited. He said he believed that government should not meddle in personal lives of citizens. He said the state administration and legislature was behind the curve on this issue as states around Indiana recognized that diversity was a fine thing and should be allowed to be. He said that his hope was that the state legislature would find a way to put this amendment behind them and not bring it forward in the new session. He added that if it eventually was placed on the ballot as a referendum, he believed that the good people of Indiana would not accept it and would vote it down. He believed the people of the state had moved forward.

He thanked those who came to the meeting adding that the comments were inspirational and perfect.

Neher said what he heard during the stories told in public comment was that this issue was personal. He said we often, in the course of life, hear 'difference' being used as a bludgeon, something used to beat people down, to take away rights, and to harm because people are scared. He said this was fear motivated out of, not from raw hatred, but not knowing that which they hate. He said the stories told put human faces

Resolution 13-15 *(cont'd)*

on the importance of the passage of this resolution.

Neher said he would love to have those people who believed that resolutions had no importance be present to hear the public testimony at this meeting.

Neher said that each person, legislator, or community who stepped up and voiced an opposing view to HJR-6 put a speed bump in front of the 'boulder' of HJR-6 and slowed down what was a fast rolling issue. He said this resolution would be sent off to legislators, but it needed to be sent beyond Bloomington to help make voices heard.

An emotional Neher said he was heartened to see Charlotte Zietlow and other friends in the chambers and said he hoped that soon all his friends would have the same rights and privileges that he had with his spouse. He thanked Sandberg for the opportunity to co-sponsor.

Sandberg noted that we all stood on the shoulders of Charlotte Zietlow, who she said was courageous long before anyone on the council was courageous. She thanked her for her mentorship to the community and for getting the ball started.

Sandberg said opposition to this resolution was okay, because she felt that this was the absolute right thing to do at the right time in history. She said she knew there would be criticism, but was willing to stand up to that criticism. She noted that the tide was beginning to turn with other states accepting marriage equality and the time was now for the ball to keep rolling.

She said that if one grew up with someone in the GLBT community, knew their creative contributions to the community, their raising of children, their participation in all aspects of the community, it would be easy to stand up for their rights and need to be respected.

Sandberg thanked Stacy Jane Rhoads who was responsible for the initial language that came forward from the listening session in September. She said that Glorianne Leck, Faith Hawkins, Area 10 on Aging, and the Convention and Visitor's Bureau all added solid input, and thanked them all for their efforts as well.

Parliamentarian Mayer asked Sandberg to do the honor of calling the question.

Resolution 13-15 received a roll call vote of Ayes: 9, Nays: 0.
The public rose and applauded the unanimous acceptance of this resolution.

LEGISLATION FOR FIRST READING

There was no legislation for first reading at this meeting.

PUBLIC COMMENT

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

COUNCIL SCHEDULE

Dan Sherman, Council Attorney/Administrator noted the council would hold a Special Session on December 11, 2013 at 7:30 p.m. for, among other matters, second reading of Ordinance 13-22, which would amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic." This meeting would be followed by the previously scheduled Committee of the Whole.

ADJOURNMENT

The meeting was adjourned at 9:05 pm.

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington