In the Council Chambers of the Showers City Hall on Wednesday, September 16, 2015 at 7:35 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
SEPTEMBER 16, 2015

Roll Call: Rollo, Ruff, Mayer, Volan, Granger, Sturbaum, Neher, Spechler, Sandberg
Absent: None

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The minutes for Regular Session September 2, 2015 were approved by a voice vote.

APPROVAL OF MINUTES

REPORTS

- COUNCIL MEMBERS

Steve Volan welcomed public policy students of Lisa Marie Napoli and Carl Weinberg to the council meeting. He explained that the items on the agenda had been heard in a committee meeting the previous week, and that they should not take any brief discussion at this meeting as inattentiveness to the council duty.

Chris Sturbaum welcomed everyone to the council chambers.

Tim Mayer welcomed the students to the council and city. He said he respected that the students were citizens and community members. He invited them to come to council members with questions and concerns.

Andy Ruff gave an update on the I-69 project. He noted that the entire highway was justified by making each segment of I-69 a "section of independent utility." He read from the Environmental Impact Statement:

> *To be a Section of Independent Utility, each segment is required to form a useful purpose even if none of the other segments are built.*

He read a report from WSMV in Nashville, Tennessee that said that drag racing occurred on a section of the road in Gibson County, Indiana. The report told of over 20 high performance race cars that sped on an eight mile stretch of the interstate highway at 120-140 miles per hour.

Ruff noted that this multi-billion dollar road way was not, indeed, needed, had displaced people, caused environmental degradation and siphoned money from other needed projects across the state. He said traffic flow and safety improvements could have been made with much less cost.

Ruff noted that this section had been completed for almost three years, and that was enough time for the roadway to be used more.

Marty Spechler said he recently traveled on the southern portion of I-69 and that the section he traveled on was wonderful. He said it was the State of Indiana's decision to create this highway and not that of the City of Bloomington. He said despite 'home rule' much of what was decided was done by the governor and state legislature, for good or for ill, and this was an example of that.

Dave Rollo read a statement from Ben Brabson, climatologist and professor emeritus of Physics, that noted the student group, Fossil Free Coalition, would present a letter to IU President McRobbie to ask that IU join with other universities that have divested of companies that extract fossil fuels. He also noted the group would march through campus for a brief rally on September 17, 2015 at 4 pm.

There were no reports from the mayor or other city offices.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

President Rollo called for public comment.

- PUBLIC

Gabe Rivera called for the end of the drug war and noted his website.

Daniel McMullen noted that the public needed to know more about bicycle safety and education issues. He invited the council members to contact him for more information.

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Kathy Cochard be appointed to the Animal Control Commission.
The appointment was approved by a voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Appropriation Ordinance 15-02 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating $15,000 for the Operation of the Community Sheltering Project for the Remainder of 2015)

It was moved and seconded that Appropriation Ordinance 15-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0.

It was moved and seconded that Appropriation Ordinance 15-02 be adopted.

MOTION TO POSTPONE Appropriation Ordinance 15-02

It was moved and seconded that the council postpone consideration of Appropriation Ordinance 15-02 until a Special Session to be held on Thursday, September 24, 2015 at 7:30 pm.

The motion to postpone the ordinance to a Special Session received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 15-17 To Vacate a Public Parcel - Re: Two 12-foot Wide Alley Segments Located at the Southwest Corner of West 11th Street and North Rogers Street

It was moved and seconded that Ordinance 15-17 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 5-1-3
It was moved and seconded that Ordinance 15-17 be adopted.

MOTION TO WITHDRAW Ordinance 15-17

It was moved and seconded to accept Mayor Kruzan's request for withdrawal of Ordinance 15-17 from consideration by the council.

Rollo noted that this motion was not debatable or amendable.
The motion to remove Ordinance 15-17 from consideration received a roll call vote of Ayes: 9, Nays: 0

Resolution 15-19 To Approve the Third Amendment to the Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County for Operation of the Monroe County Central Emergency Dispatch Center

It was moved and seconded that Resolution 15-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 5-1-3

It was moved and seconded that Resolution 15-19 be adopted.

Margie Rice, Corporation Counsel, highlighted points she had made at a previous meeting about the interlocal agreement. She said the city and county had worked since 1998 to operate the joint Dispatch Center that served the entire county. She noted that the recent relocation of the center to the upper level of the transit center hub necessitated an update to reflect the new level of relationship. She noted the first two amendments were fairly minor, but this one made more substantive changes, and most importantly provided that the city and county equally share in operational expenses.

She said that the agreement equalized the contributions of each entity, as the city built the building, the county provided the money to

equip the building, and the county ended up putting in a larger share of the money. With this agreement the city would credit the county for that overage over the next ten years, along with 2.5% interest on the figure.

She said that the state 911 funds were currently going only to the county, but the city had relied on them before the state law was changed. With this agreement, those funds would be shared without having to create a yearly agreement.

Rice noted that the county commissioners and the county council both had approved the agreement already, and this was the last step in the agreement process.

She noted that the questions in the committee hearing on this agreement raised concerns about how the new software system was working, and user experience with that software. She said she had spoken with Volan and citizen Ken Shafer who had expertise in software to allay their concerns and inform them of new reporting mechanism for tracking concerns or questions that have been raised. She said Mr. Shafer would be conferring with Jeff Schemmer and Chief Diekhoff with the possibility of improving this locally developed program. She said she also had reached out to another person who sent the council an email regarding concerns. She added that the Interlocal called for a Policy Board that met every other month which would be responsible for hearing these concerns, developing policies, and looking at software. She encouraged council members to send people with concerns or questions to this Dispatch Policy Board.

She concluded by thanking the county representatives in this process for their work in bringing forward a solid agreement.

Council questions:
Spechler noted that the county ended up spending $300,000 more in this endeavor than the city. He asked if there was an incentive on the part of the county to overspend since it was known that half of the cost would be borne by the city. He asked how that could be avoided. Rice said that a team from the city and county met on a regular basis for over two years for collaboration on the selection of furniture, software, and equipment. She said all the areas of disagreement were worked through, and all knew that the costs would need to be evened out in the end.

Granger asked about the Dispatch Policy Board, their meeting times and business related to citizen concerns. Rice said that people who wanted to voice concerns could take them to someone they knew and it often didn't get funneled to the Policy Board. She said these were public meetings, and part of their business was to hear the public's concerns and solve problems.

Volan asked about the makeup of the team that chose the software. Rice said that Chief Diekhoff, Jeff Schemmer, Rick Routon, and Rick Dietz were involved. Chief Diekhoff said that the township fire departments, city fire department, ambulance, sheriff's office, BPD and Ellettsville departments were invited to meetings to look at systems. Chief Diekhoff added that demonstrations and discussions were part of the vetting process, and the decision came from that process. He added that the City of Bloomington IT department also had representatives present.

Volan asked who signed off on the choice of software. Rice said after the group reached a consensus recommendation, the Dispatch Policy Board made a recommendation to the County Commissioners. Diekhoff said that the commissioners made the actual purchase. He said that by ordinance, the Policy Board had to have a majority of law enforcement

officers (three) and there were two other representatives from the fire fighters. He said appointments were made by the commissioners and the mayor.

Volan asked Schemmer for his actual job title, and what part IT played in it. Schemmer said he was the Communications Manager for the Monroe County Central Emergency Dispatch. He noted he reported to the Chief of Police. Schemmer noted that the Central Dispatch was a joint operation between the county and city, he supervised twenty-five county and city employees and the overall operations of the center.

Volan asked Schemmer if he were heavily involved in the development of the new center location. He asked about the IT person who worked for the Center and reported to the Police Chief. Schemmer said the person maintained the CAD and ARMIS system only with regular IT support from the City of Bloomington IT Department.

Rollo asked if the Dispatch Center allowed for expansion. Diekhoff said it would allow up to nine dispatchers to work at the same time, and that five were currently on duty at one time.

Rollo asked Diekhoff about the implementation of the new software program. Diekhoff said the company had been in business for about 30 years with 120 clients in Indiana. He noted that this software was different from the previous program and understandably there was a learning curve involved in implementation. He said that as needs changed, modules could be purchased and the program could be expanded. He said problems encountered had been with the learning curve, human error, and server errors. He also described the user's group that provided helpful problem solving and information for future expansion needs. He said he had the utmost confidence that there was nothing wrong with the software but because it was so much different from the previous program there was a learning curve.

Rollo asked if this was an item for the Policy Board. Diekhoff said that there were electronic forms that software users could submit issues or problems for help.

Rollo asked if there were other entities that benefitted from the Dispatch Center that were not participating in the funding. He asked how IU fit into this function. Diekhoff said that IU had a separate system, not part of the city/county system. He said the ambulance service and townships did not contribute specifically for the dispatch.

Rollo asked about the relationship between IU's dispatch center and the Central Dispatch Center. Diekhoff said that IU's center was the back-up for the Central Dispatch Center, including 911 calls, with the flip of a switch. He said personnel could also be deployed to the IU center.

Volan asked Diekhoff about differences between the old and new systems. He asked the biggest benefit to the new system. Diekhoff said that the new system had the potential for changes and growth, and that the day-to-day upkeep was better. He said that when a change was needed, the company could not do it, and the city hired someone from the company to be the system administrator because of the complications involved. He said that Linux didn't have the functionality and flexibility that the new system offered.

Volan asked how the new software switch was made. Diekhoff said that the new system rollout was done with the old system in the background for three months.

Volan asked about a lightning strike to the back of the Police Station in June of 2014 and how that affected the plans for the Dispatch Center. Diekhoff said they suffered $100,000 in damage to old equipment that had old, hard-to-find parts. He said this pushed the implementation to an earlier date. He said the operators moved to the new building with new phone and radio equipment before the implementation of the new software system.

Volan asked if, in the transition, there were some services that local agencies were not able to have and how that was dealt with. Schemmer said that the lightning strike took out the mechanism that sent out tones to the fire stations, and it was the one module that the Center was unable to get started back up again because of the old equipment, with the new vendor or the old vendor. Diekhoff said that the tone system was developed specifically for the fire departments and that it took two years and $100,000 to develop.

Volan asked for a breakdown of calls to the Center. Schemmer said the Center has about 109,000 to 110,000 calls for service per year, meaning an event created in the system with officers dispatched. He said 60,000 of those calls were routed to the Bloomington Police Department, a little over 20,000 were routed to the Sheriff's Department, with the rest going to the ambulance and fire department.

Public comment:
Kenneth Shafer, Bloomington resident, said he had previously opposed approval of the agreement until an independent verification of validation was funded to guaranteed software quality assurance. He said he withdrew his opposition because he had realized that the best software vendor had been chosen. He cautioned that even the best vendors could have problems, and referred to the Indiana Department of Family Social Services contract with IBM on Medicaid and food stamp eligibility program that ended up in multimillion dollar lawsuits.
He added that he had also seen more extensive evidence of tracking, diagnosing and fixing problems within the system. He was satisfied that this could be done within the IT department and within the IT budget.

He thanked Rollo, Volan, Rice, Diekhoff and Schemmer for listening to him and including him in a possible discussion of these issues, and added that there was no reason to tie up the Interlocal Agreement because of these resolvable issues.

Council comments:
Spechler explained to students present at the meeting why he was voting for this resolution. He said that some functions of government could be best accomplished with the cooperation of more than one unit of government. He called this co-operative democracy on a local level.

Volan thanked the staff and Shafer for sharing information with him regarding this issue. He said he came to this with the technical point of view, but realized now it wasn't just an IT issue, but one that is more related to the police department. He said that people who expressed concerns with the new software may have made the mistake of expressing their concerns as 'bugs' when they were features that either didn't exist in the new program or were not yet customized for our area. He said that these concerns were best addressed at the Dispatch Policy Board.

Volan said he believed the proposal for an independent verification of validation was not a good one, and that the $150,000 for that service could be better spent to implement new modules.
Volan said he didn't agree that all partners in this agreement were in harmony, as Spechler said, since the police department took more calls, and housed the Central Dispatch Unit. He said the state had passed legislation that allowed local option income tax to be levied for public safety concerns. He said this dispatch issue would fit in that category while providing relief to city and county budgets as they now stand. He said the city needed to take the lead on this issue.

He said he learned a lot in this process and thanked everyone who worked on the Dispatch Center implementation and Shafer for bringing up his concerns.

Sturbaum voiced his support for the Interlocal Agreement.

Resolution 15-19 *(cont'd)*

Mayer said this agreement was simply about who would pay for what. He thanked Rice for her work as well as Diekhoff and Underwood and their counterparts in county government for their work on the agreement.

Rollo thanked the staff and Shafer for their work and interactions for the betterment of this agreement.

The motion to adopt Resolution 15-19 received a roll call vote of Ayes: 9, Nays: 0

Ordinance 15-15 To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan – Re: 2602 E. Creeks Edge Drive (Evergreen Partners II, LLC, Petitioner)

It was moved and seconded that Ordinance 15-15 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-1.

It was moved and seconded that Ordinance 15-15 be adopted.

Eric Greulich, Zoning Planner with the Planning and Transportation Department, briefly highlighted the original 2005 PUD, and then discussed this amendment to the uses of two parcels within that plan. He said the petitioners wanted to build a three story, 115 unit, affordable, senior assisted living facility there, had submitted a schematic site plan, and were still working with the department staff about the specifics. He said the Plan Commission would have this on their agenda within the next two months.

Greulich said a question had arisen in the committee hearing with regard to the lack of commercial component in this PUD. He said that there would be several vacant parcels within the PUD even after this facility was be built that could eventually hold that commercial use. He said, however, it was unlikely that a major grocery store would move to this PUD and cited expansions of two markets to both the north and south of the area.

Greulich noted the amendment of the PUD received a favorable recommendation by the Plan Commission.

Nick Bouquet, Evergreen Partners, noted a question from Spechler from the committee hearing regarding aging in place and the necessity for a resident to leave the facility if they needed higher levels of care. Bouquet said the management company had an extensive screening process to make sure that the facility was right for residents' medical needs, with the intent of keeping them in place as long as possible. He said personalized care and even hospice would be arranged with the family of the residents. He noted there would be nurses on staff, although this would not be a nursing facility. He said individuals could be transferred if needed, but he realized the enormous impact of a transfer on elderly people and said they would work to minimize that.

Spechler said that was a good answer and a good policy. He verified that the requirements would be that residents would be renting not owning their apartments, that they would be at least 62 years old and have less than 60% of the median income of the county. Bouquet added that income requirement was currently no more than $26,000 for a single person. Bouquet said that stipulation was specified as part of the low income housing tax credits used to develop the property. Bouquet said that every year tenants would be re-certified in this income as standard protocol for all properties created under this tax credit.

Spechler asked who would be getting the tax credit and how. Bouquet said that this was a program to give incentive to private developers to invest in public good. This project would generate tax credits that would be sold to a third party investor – a bank or insurance

company – that would need those tax benefits. He said the credits would be sold as a way to raise capital for the project and to subsidize the project.

Bouquet said Volan had previously voiced concerns about the facility's interaction with the community, specifically asking if the public could avail itself of amenities in the facility. Bouquet said that for security purposes, the only people allowed in the facility would be guests of the tenants. He said the kitchen or coffee bar offerings could be paid for or charged to the residents' unit. He added that the kitchen would not be licensed in a way that could serve the public.
Bouquet noted that any commercial portion of the building would not qualify for the tax credits and would make the project more expensive.

Ruff thanked Bouquet for being responsive to his questions. He asked Bouquet if there were any opportunity costs to the community associated with this project, or fewer tax credits available to the community as a result of this project. Bouquet said that this project would not preclude another developer from doing the same thing with the same tax credit program – a 4% non-competitive credit. He said there were several other programs that afforded investors higher tax credits and they were allocated by different methods.

Ruff said while he would like a longer period of affordability than the 15 years of this program, he wanted to know if there were costs that would take away from the city's pool of capital. Bouquet said that funding would come from outside the community, although they might use Old National Bank for construction financing.

Ruff asked about the opportunity to re-capitalize and apply for another 15 years of credits. He asked if it were an option or the intent of Evergreen. Bouquet said that it was the intent to revitalize the property to gain another round of tax credits and to keep the project in the affordable market.

Sandberg asked what would prevent them from reapplying for more tax credits. Bouquet said that while he could not predict the financial future, Evergreen intended to stay in the assisted living facility business, not developing and then selling properties from their portfolio.

Rollo noted that assisted living facilities were not permitted uses on this property. He asked about the need for assisted living facilities in the community. Greulich said the Planning and Transportation department frequently received calls asking about assisted living facilities -- current or future developments. He said there were several outside the city, and his sense was that there was a need for this type of the facility. Rollo said this was a good site match for this use as it was near amenities rather than on the periphery of the city.

Rollo asked about Parcel 5, if there would be native plantings and if the parcel would remain wooded. Greulich said that there would be an access for emergency vehicles, and the petitioner's plan had minimal impact on the wooded area and creek. He said that the department would work with them on a landscape plan to incorporate appropriate species and canopy trees. Bouquet said that the only thing they had planned was an access road and a pedestrian connection path.

Daniel McMullen said, as a bicyclist, he felt the side path was not kept up to what it should be and that dangling tree limbs hit him in the head. He hoped Evergreen would maintain the path.

Spechler said there were always opportunity costs to building a facility because the land could not be used for something else. He said the real question was whether the benefits to the community as a whole

exceeded the opportunity costs, which he said they did in this case. He said there were strong advantages to have this facility within the city.

Ordinance 15-15 *(cont'd)*

Sturbaum said there was a local benefit to have this facility in the city.

Granger said she liked the project. She said she had looked at Evergreen's other projects and noted that they respected the communities that they went into. She added this facility would fill a need.

Ruff thanked the petitioner and staff for being responsive to his questions in a timely manner.

Volan said he appreciated this petitioner and his manner of communication with the council. He said he hoped to see a more communitarian feature with a street engagement and public place, but knew now that tax credits and zoning issues dictated that this couldn't happen. He expressed his support for the petition.

Rollo said this qualified for a compatible use, and there was a need for this type of residence in the community.

The motion to adopt Ordinance 15-15 received a roll call vote of Ayes: 9, Nays: 0

There was no legislation for introduction at this meeting.

LEGISLATION FOR FIRST READING

David Schleibaum spoke about funding for the Community Sheltering Project formerly known as Martha's House and said the city should use parking funds to subsidize this social service. He said people confused Martha's House with Middle Way House.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted that there was a Committee of the Whole Meeting scheduled for Thursday, September 24, 2015. He reminded the council that they had approved a Special Session for that night, but that no committee meeting was needed.

COUNCIL SCHEDULE

It was moved and seconded to cancel the September 25, 2015 Committee of the Whole Meeting.
The motion to cancel the committee meeting was received a roll call vote of Ayes: 7, Nays: 2 (Sturbaum, Spechler).

The meeting was adjourned at 9:40 pm.

ADJOURNMENT

APPROVE:

Dave Rollo, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington