In the Council Chambers of the Showers City Hall on Wednesday, June 1, 2016 at 7:33 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 1, 2016

Roll Call: Granger, Mayer, Sandberg, Ruff, Volan, Piedmont-Smith, Rollo, Sturbaum, Chopra
Absent: none

ROLL CALL
[7:34pm]

Council President Ruff gave the Agenda Summation.

AGENDA SUMMATION
[7:34pm]

APPROVAL OF MINUTES
May 4, 2016 (Regular Session)
[7:37pm]

It was moved and seconded to approve the minutes for the Regular Session of May 4, 2016.

Isabel Piedmont-Smith said that she had corrections for the May 4, 2016 minutes. There was discussion to clarify points made concerning demolition delay. Piedmont-Smith suggested that a statement made by Andy Ruff required clarification. Ruff agreed with her suggestion. Piedmont-Smith also suggested a change to a statement made by Chris Sturbaum, but he said that the sentence in question was correct. Deputy Clerk Hilderbrand assured her that the clarifying statements had been noted and the correction would be made.

The minutes of May 4, 2016 as corrected were approved by voice vote.

May 18, 2016 (Regular Session)
[7:38pm]

It was moved and seconded to approve the minutes for the Regular Session of May 18, 2016.

Piedmont-Smith noted a small correction for the May 18, 2016 minutes.

The minutes of May 18, 2016 as corrected were approved by voice vote.

REPORTS

- COUNCIL MEMBERS
  [7:39pm]

Dave Rollo announced a joint constituent meeting with Councilmember Volan.

Alison Chopra wished Councilmember Volan a happy birthday and announced her constituent meeting. She added that her family recently went on a bike ride on the Karst Greenway Trail and said that she appreciated it.

Piedmont-Smith noted the passing of Byron Smith.

Steve Volan thanked everyone for the birthday wishes.

Dorothy Granger reminded everyone that the Monroe County's Energy challenge for the month of June was to wash laundry in cold water and line dry.

Sturbaum thanked the Boy Scouts and the American Legion for putting flags on veteran graves for Memorial Day.

Tim Mayer also remembered Byron Smith and noted how much he had done for accessibility in the city. He also mentioned it was his 54th wedding anniversary.

Susan Sandberg reminded the public that June 2nd was National Gun Violence Awareness Day. She encouraged everyone to wear orange to promote awareness and to attend a rally on the courthouse square that would be held on that day. She spoke on the need for policy changes to end gun violence.

Ruff remembered Sam Smith saying it was sad to note that our City of Bloomington family lost a member over the weekend. Sam Smith passed away unexpectedly Saturday. During the last two years Sam served in the Office of the Controller as Budgets and Grants Manager and previously worked for a year with CBU in the mid-1980s. Ruff gave condolences to friends and family and all who knew Sam.

Jason Moore, Fire Chief, introduced himself to the council. He said how happy he and his family were to be living in Bloomington, and gave his background

- The MAYOR AND CITY OFFICES [7:45pm]

Ruff welcomed Moore and said the council looked forward to working with him.

Vic Kelson, new Utilities Director, introduced himself to the council.

Ruff said that they were looking forward to working with him.

There were no council committee reports.

- COUNCIL COMMITTEES

President Ruff called for public comment.

- PUBLIC [7:51pm]

Gabe Rivera spoke about the war on drugs in Monroe County and the rest of the country.

Jim Lory spoke about reducing boating prices for seniors at Lake Griffy.

There were no appointments to boards and commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Resolution 16-05: To Vote in Favor of a Monroe County Income Tax Council Ordinance Imposing an Additional County Option Income Tax Rate to Fund Public Safety Costs and Casting The City Of Bloomington's 59 Votes in Favor of the Ordinance

[7:57pm]

It was moved and seconded that Resolution 16-05 be introduced and read by title and synopsis. The motion was approved by a voice vote.
Deputy Clerk Hilderbrand read the legislation by title and synopsis, giving the committee recommendation of do pass 5-0-3.

Philippa Guthrie, Corporation Council, said that questions had been raised on the process for applications from entities that could apply for COIT funding such as emergency medical and fire departments that were not otherwise eligible for funding. The preliminary discussion had been about the concern that it wasn't feasible to have the whole County Income Tax Board process applications. She said that a subcommittee was suggested, but that it was not appropriate for the city to act before the county and city councils had voted.

Jeff Underwood, Controller, said that they had a list of requested capital improvements and under state statute the funds must be designated for public safety. Specifically, the funds would be used for police and fire department needs.

Council Questions: Resolution 16-05 (*cont'd*)

Piedmont-Smith asked Underwood about priorities and asked why parking enforcement was being included in the proposal.

Underwood replied that Parking Enforcement was under the Police department.

Piedmont-Smith asked about who would make budget decisions for the dispatch center and if there were any council or mayoral appointments on those boards.

Police Chief Diekhoff said that the dispatch board made those decisions and there were not any council appointments on that board.

Rollo asked about the tax being used for capital improvements and how it related to public safety.

Granger said that she agreed capital improvements were important, but she would like to see an increase in police staffing and asked if the police force was understaffed.

Diekhoff said that the there was a formula to assess police need based on population. He noted the city currently had 100 police officers.

Granger asked if that was enough and Diekhoff said he thought it would be arbitrary to throw out a number.

Granger commented that as our population increased we needed to be focused on increasing our police force.

Volan asked Diekhoff if Bloomington had an unusual population due to our student population and if it required special policing.

Diekhoff replied that with more students living off campus there was an increased need to police parties and bars, but it wasn't unusual for a town our size, or for other college towns in Indiana.

Sandberg asked Guthrie to explain the history of this resolution.

Guthrie explained that it was a new provision, Elletsville was the first to act on it, and the city council needed to respond. She said that funds were needed because there was great need in the county.

Sandberg pointed out that distribution and allocation would be decided later. She said that there was no lack of debate about it and there was no debate about need.

Rollo asked Diekhoff about priorities.

Diekhoff said that the main priority was the dispatch center, but there were also capital and personnel needs.

Piedmont-Smith asked if ambulance services were eligible for funds.

Guthrie said that state statute stated that funds were for public services, ambulances fell under not for profit.

Cheryl Munson, Monroe County Council President, spoke about ambulances.

Iris Kiesling, Monroe County Commissioner, said that ambulances were primarily funded by Medicare/Medicaid

Piedmont-Smith asked if there was still a county ambulance fund

Kiesling said that the county no longer had that fund due to budget cuts.

Piedmont-Smith asked what the budget for the dispatch center was.

Jeff Shimmer, Communications Manager for Monroe County, said that the Central Dispatch budget was $2 million.

Granger asked if dispatched was fully staffed.

Resolution 16-05 (*cont'd*)

Schemmer said the national average for turnover was 17%. Currently there were three positions available, but fewer people were applying given the high stress nature of the job.

Granger asked if that was adequate. Shimmer responded that the dispatch center was trying to determine that.

PUBLIC COMMENT
[8:35pm]

Chopra asked what the city's current public safety budget was.

Underwood said $38.4 million is the total budget and out of that $22.6 million is the safety budget

Kiesling said the tax was imperative to public safety. She said that central dispatch needed the money and this was a vehicle for funding the need.

Marc Kellams, Monroe County Circuit Judge, spoke about the court's role and said that the Board of Judges was in support of the tax. He explained that because the state revised the criminal code, there were more people being released from jail and require work programs.

Cheryl Munson said that even if the idea of a tax was not always favored there was a great need and there had been a positive response from the public. She went on to say that 47 other counties across the state had enacted a similar tax at the maximum rate to fund public safety.

Dustin Dillard, fire chief of the Perry-Clear Creek Fire District, said that all the fire chiefs supported the tax. He said that our fire departments were in great need and required personnel and equipment.

George Keller expressed concern with the tax being at the maximum rate.

Mike McKlane asked if the $6.9 million generated from the tax would be in addition to the existing $22.6 million already allocated for public safety or if it would be deducted.

Lee Jones, Monroe County Council At-Large, said that the procedure started with the resolution that was adopted by Elletsville and we were now on a time line. She said the need was great and that the county had many departments and they were under-budget. She continued and said that the jails were at their capped limit and if the county continued to go over the capped amount of prisoners the federal government could come in and mandate the county build another jail at the county's expense.

Kiesling said that the county commissioners supported the tax and reminded the council that the services this tax would support would be used by all in the county, including the City of Bloomington.

COUNCIL QUESTIONS
[9:05pm]

Chopra asked Underwood how much the city was paying for dispatch.

Underwood said $1 million. The county and the city pay 50/50 and Bloomington has 59% of the vote on the tax council.

Piedmont-Smith asked Underwood to respond to Mike McKlane's question

Underwood said it could be either way.

Chopra asked if the COIT could be put in a separate account.

Resolution 16-05 (*cont'd*)

Underwood said that the council would see it as a separate revenue stream.

Volan asked about building a detox center.
Linda Brady said that a detox center would be considered a medical facility and would need to be sponsored by a medical organization.

Rollo asked about the percentage of level 6 felons.
Judge Kellams said there was a significant number but not as large as it could be. He commented that if we dealt with offenders the right way we won't need a bigger jail.

Granger asked Underwood what had been put back in reversions for capital replacement.
Underwood said that the appropriation was approximately $2 million.

Chopra asked about putting the vote off to allow for more discussion.

COUNCIL COMMENT [9:35PM]

Sturbaum said that the concern for how the money was going to be spent was not step one. He supported the resolution and said that he trusted the county council.

Granger said that she fully supported the resolution, but wanted to make sure that it goes to public safety and not just capital replacement. She said that she supported it.

Sandberg said that she supported it, the need was there, and the opportunity should be taken.

Rollo said that he supported the idea of taking more time, but the need was there and the community would be served by the investment. He said that he supported the resolution and thanked County Council President Munson for the documents.

Mayer thanked everyone and said he enjoyed seeing other elected officials from other bodies and working together to solve problems.

Volan said that he supported that the tax would relieve the city of the burden of the dispatch center.

Ruff said that he supported the resolution.

Piedmont-Smith asked about the timeline on making the decision.
Stacy Jane Rhodes said that the state statute was 30 days after the resolution was made, bringing the deadline to act to June 24, 2016.

Piedmont-Smith went on to say that there was still time and the decision did not need to be made that night. She said that she found the information overwhelming, but that she saw that there was a need.

Volan said there was an option to move to postpone the vote until the next regular session, but that Piedmont-Smith's concerns had more to do with for after the tax was approved. He said that the council could only approve or reject the resolution; there was no provision to amend.

The motion to adopt Resolution 16-05 received a roll call vote of Ayes: 9, Nays: 0

Vote for Resolution 16-05
[10:00PM]

It was moved and seconded that Ordinance 16-07 be introduced and read by title and synopsis. The motion was approved by a voice vote.

Deputy Clerk Hilderbrand read the legislation by title and synopsis, giving the committee recommendation do pass 5-0-3.

Doris Sims, HAND Director, who stood in for Bethany Emenhiser, gave a presentation describing the history of "Kirkwood Manor," 322 Kirkwood Avenue, why it met three criteria to be considered historically designated, and why it should be given the rating of "Notable".

Piedmont–Smith sponsored an amendment changing a Whereas clause in the Ordinance.

It was moved and seconded to adopt Amendment 1. The motion passed with a roll call vote of Ayes: 9, Nays: 0

Ordinance 16-07-To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re· Kirkwood Manor Historic Distr Located at 322 East Kirkwood Avenue (The Ellis Company, LP, Petitioner)
[10:01pm]

Amendment 1- Ord 16-07 shall be amended by deleting the second-to-last Whereas clause and replacing it with the following:

WHEREAS, at the same hearing, the Commission voted to submit the map and report to the Common Council which may recommend local historic designation of said properties; and

[10:06pm]

Chopra sponsored an amendment stating that designation of Kirkwood Manor be based on its unique location and physical characteristics. The change came at the request of the petitioner.

Richard Ellis thanked Chopra and said how that he was supportive of the amendment.

Volan asked the petitioner why they didn't want to be a part of Restaurant Row.

Ellis said that they considered Kirkwood Manor to be more a part of the Kirkwood culture than the Restaurant Row culture.

Piedmont-Smith asked the petitioner why they did not want all three of the criteria.

Ellis said that the fraternity that lived in the building in the 1920s changed the building so much it should no longer be considered a Nichols and he said that he was afraid that if they wanted to make repairs they would be forced to restore the building to its original state with the porches.

Amendment 2- Ord 16-07 shall be amended by deleting Section 1 and replacing it with the following:

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map is attached to this ordinance and is incorporated herein by reference and two co s of are on file in the Office of the Clerk for public inspection. The Common Council finds that this designation shall be based on the architectural significance of the property, because the property "[o]wing to its unique location or physical characteristics, represents

Piedmont-Smith reiterated that Ms. Emenhiser said that they would not be required to restore the building.

Mayer said that the amendment would strip the building's association with the architect and he would not support it. Granger asked if Nichols had built other buildings.

Sturbaum said that there were over 120 Nichols Buildings that still existed in Bloomington. He asked if the petitioner thought Nichols had designed the addition. He reiterated that there would not be a requirement to restore the building to its original state and the connection to the architect was a matter of public record and fact. He said that he didn't understand removing the criteria.

Chopra said that the design guidelines would not change and the public record would remain intact.

Patty Mulvihill said that being a Nichols building should have it require all three criteria and that full restoration would not be required, but instead appropriate repairs would be all that were needed.

an established and familiar visual feature of a neighborhood or the city" pursuant to Bloomington Municipal Code § 8.08.010(e)(2)(F). The report submitted by the Commission is attached to this ordinance and is incorporated herein by reference; however, the following two bases for architectural significance outlined in the report shall not be incorporated: 1) "[i]s the work of a designer whose individual work has significantly influenced the development of the community;" and 2) "[i]s the work of a designer of such prominence that such work gains its value from the designee's reputation." Two copies of the report are on file in the Office of the Clerk for public inspection.

The legal description of this property is further described as:

> Parcel Number: 53-05-33-310-128.000-005: 013-13450-00 ORIG PLAT 113 in the City of Bloomington, Monroe County, Indiana.

[10:08pm]

PUBLIC COMMENT

Duncan Campbell said that all three criteria were true and in order to properly commemorate an historical structure we had to follow the criteria and use as many as apply, not pick and choose the ones that you want. He went on to discuss the importance of J.L. Nichols and his enormous contributions to American architecture.

COUNCIL COMMENT

Volan said he found Campbell's argument compelling, and the significance of Nichols was compelling, and he would not support the amendment.

Granger said that she was comfortable with the way the ordinance was written and would not support the amendment. She said that in designating a property historic it was appropriate to use as many criteria as possible.

Mayer said he would not support the amendment, but he thought it was good that the owners voluntarily designated the building.

Sturbaum showed evidence that the addition put on by the fraternity in the 1920's was designed by Nichols and that he would not support the amendment. He said that the petitioners were stewards of this building, wouldn't be the last owners of it, and it was good that they were designating the property.

Ruff said that he believed while the HPC's role may be to advocate for maximum historical preservation, that he believed the council's

job was to look at the larger overall picture and make decisions that maximized the public good. He stated that he felt the public good would be maximized in this case by approving the amendment because it still provided the same level of protection to the building while also honoring the owner's wishes. He noted that it isn't always the case that the full preservation level can be obtained for the community good while also honoring the differing position of the owners. He further stated that historical preservation efforts in the long run would benefit from approval of the amendment because the larger community beyond preservationists would see that compromise and regard for private property interests and rights was being balanced with historical preservation goals. He thanked Chopra for bringing the amendment forward and said that he would support the amendment.

Chopra thanked everyone. She said she appreciated the designation.

It was moved and seconded to adopt Amendment 2. The motion failed with a roll call vote of Ayes: 3, Nays: 6

Vote for Amendment 2
[10:50pm]

It was moved and seconded to adopt Resolution 16-05 as amended. The motion to adopt Resolution 16-05 as amended passed with a roll call vote of Ayes: 9, Nays: 0

Vote for Ordinance 16-05
[10:52pm]

It was moved and seconded that Ordinance 16-08 be introduced and read by title and synopsis. The motion was approved by a voice vote.

LEGISLATION FOR FIRST READING
[10:52pm]
Ordinance 16-08-Ord 16-08 To Amend Title 9 of the Bloomington Municipal Code Entitled "Water" (Rate Adjustment)

It was moved and seconded that Ordinance 16-09 be introduced and read by title and synopsis. The motion was approved by a voice vote.

Ordinance 16-09-9 An Ordinance of the Common Council of the City of Bloomington, Indiana, Authorizing the Acquisition, Construction, Installation and Equipping by the City of Bloomington, Indiana, of Certain Improvements and Extensions to the City's Waterworks, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Waterworks and Other Related Matters

It was moved and seconded that Ordinance 16-10 be introduced and read by title and synopsis. The motion was approved by a voice vote.

Ordinance 16-10-To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment)

It was moved and seconded that Ordinance 16-11 be introduced and read by title and synopsis. The motion was approved by a voice vote.

Ordinance 16-11-An Ordinance of the Common Council of the City of Bloomington, Indiana, Authorizing the Acquisition, Construction, Installation and Equipping by the City of

Bloomington, Indiana, of Certain Improvements and Extensions to the City's Sewage Works, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters

ADDITIONAL PUBLIC COMMENT

There were no comments in this segment of the meeting.

COUNCIL SCHEDULE [10:55pm]

It was moved and seconded to cancel the Internal Work Session on Friday, June 3, 2016.
The motion was approved by voice vote.

ADJOURNMENT

The meeting was adjourned at 10:56pm.

APPROVE:

Susan Sandberg

~~Andy Ruff, PRESIDENT~~
Bloomington Common Council

Susan Sandberg
Vice Pres.

ATTEST:

Nicole Bolden, CLERK
City of Bloomington