

In the Council Chambers of the Showers City Hall on Wednesday, June 20, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 20, 2012

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

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

Minutes for May 2, 2012 and June 6, 2012 were approved by a voice vote.

APPROVAL OF MINUTES

Chris Sturbaum reminded everyone about the Taste of Bloomington.

REPORTS:
COUNCILMEMBERS

Timothy Mayer thanked the Public Works and Street Departments for all the work they were doing.

Steve Volan noted the passing of IU Professor Elinor Ostrom. He said she had the same approach to higher education, Indiana University and students as Herman Wells.

Rick Dietz, IT Director, City of Bloomington, presented information about a technology platform called Open 311 that will allow citizens to submit issues to city officials by using a web access or Smartphone. He demonstrated by using a Smartphone how the application worked with its pull-down menus and easy access. Dietz also shared information about CIVIC Commons, a market place for community innovation. He also said that Bloomington had been accepted into the Summer of Code for which Google funded two interns to develop and write code for Open Source applications.

MAYOR and CITY OFFICES

Miah Michaelsen, Assistant Director of Economic Development for the Arts announced the partner grant between the Bloomington Urban Enterprise Association and the Bloomington Entertainment and Arts District to fund projects within the Urban Enterprise Zone. Michaelsen said the art in the atrium was supplied by Avi Katz, who will be appearing June 26th in City Hall to talk about his work.

Michaelsen presented the local results of the Arts and Economic Prosperity Survey for the city of Bloomington conducted in partnership with Americans for the Arts, the nation's largest arts advocacy and arts education and information organization. She said this was the most comprehensive economic impact study of the arts ever completed in the US. She shared the national results as well as the specific results for Bloomington. The results were based on 1370 responses that were collected at activities and events around the community. The economic impact of nonprofit arts and cultural organizations and their audiences in Bloomington totals 72.3 million dollars annually supporting 3400 FTE jobs and generating 6.3 million dollars in government revenue. She reminded the audience that this study was for not-for-profit only. It did not include any for-profit endeavors or business such as movie theaters.

She said one of the results of this study showed that the arts in Bloomington kept people in Bloomington and therefore kept dollars in the community.

The 40 page study is available on the city's web site at www.bloomington.in.gov/arts

There were no committee reports at this meeting.

COUNCIL COMMITTEES

Mayer read the rules for public speaking at this meeting.

PUBLIC INPUT

Erica Rudd, Development Director for the Monroe County YMCA thanked Councilmember Darryl Neher and former Councilmember David Sabbagh for their pedal-off at the Farmers' Market that benefitted the Y.

Rocky Rison, President of the Monroe Saddle Club asked why there was objection to using horses on the B-Line Trail. He said it was the perfect way to go green.

Scott Wells presented information on a report of the impaired waterways affecting drinking, swimming and fishing. He said things were getting worse rather than better. He proposed a Lake Monroe Regional Lake Monroe Management District to protect the drinking water of the community.

There were no appointments to boards and commissions.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 12-05 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis. There was no committee recommendation. It was moved and seconded that Resolution 12-05 be adopted.

LEGISLATION FOR SECOND READING

Resolution 12-05 Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2012 and Other Related Matters.

Sturbaum said he had a potential conflict of interest and would recuse himself from deliberation and action, and left the Council chambers.

Darryl Neher announced he would disclose that he was the current board chair of Martha's House.

Jack Hopkins Committee Chair, Council Member Susan Sandberg presented information related to the process for allocating the funds to 26 social services agencies. She reviewed the criteria, explained how decisions were made and read the list of recipient agencies and the amount awarded each.

Dave Rollo said he appreciated the difficult task that this committee had and wondered about changes in the number of applications and amount of funds requested.

Sandberg said that originally there were 46 applicants, and while all of the work of all of the agencies was worthy, the committee had to use its standards and criteria to make decisions about funding.

Rollo mentioned that the deliberations were televised so the public could watch and learn more about the needs of the community.

Marty Spechler asked about the application of Planned Parenthood which was not funded this year.

Sandberg said there was a high priority on emergency services such as food, housing and health care. While Planned Parenthood focused on health care, their request did not quite meet the standards as well as others that addressed the same issues.

Mayer pointed out that these funds were from tax dollars, that contracts were signed to receive the funding and that the HAND office supervised the expenditure of the funds.

Larry Jacobs, Monroe County United Ministries thanked Sandberg and the committee for their work, and for the allocation they received.

Toby Strout, Middle Way House thanked the committee for the allocation for the work of protecting women, children and men. She went

Resolution 12-05 (cont'd)

on to say that Bloomington does not have to allocate funding to social services, but the city chooses to and said she is so pleased to live in this city.

Rollo thanked the Mayor for making the Jack Hopkins funding a focus of his work.

Mayer reviewed the naming of the Jack Hopkins Fund which was initiated by former Councilmembers Jack Hopkins and John Fernandez who approached then-Mayor Tomi Allison (present in the room), about using city money to assist community needs.

Volan commented on how the meeting agenda was arranged and suggested that if other work was done by committees also rather than the whole council, it would work as well as this allocation process.

Resolution 12-05 received a roll call vote of Ayes: 8, Nays: 0 Abstain: 1 (Sturbaum)

It was moved and seconded that Resolution 12-09 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis. There was no committee recommendation. It was moved and seconded that Resolution 12-09 be adopted.

Resolution 12-09 Supporting an Amendment to the United States Constitution to Provide That Corporations Are Not "People" and Money Is Not "Speech."

Rollo introduced Resolution 12-09 and asked to read it in its entirety. Prior to the reading he recognized Councilmembers Ruff, Sandberg and Mayer who joined him in sponsorship of this resolution. He also recognized the Move To Amend group especially Tomi and Jim Allison who spent so much time and effort working on initiating this resolution.

Mayer asked if any of the Council sponsors had initial comments to make.

Andy Ruff said he wanted to emphasize that this legislation was completely citizen driven, which was not to say the Councilmembers did not enthusiastically support it. Ruff said he wanted to recognize their passion and work.

Sandberg read a portion of a letter from Rob and Karen Stone indicating the vast amount of money that a corporation has to spend to support candidates that citizens do not.

Rollo said he appreciated the public coming forward on this because of the coercive effect on democracy that the Supreme Court's decision had. He called it a national emergency to take back the political system.

Mayer said this had been discussed on and off since the Supreme Court decision was made and it was the local group that moved this forward.

Local citizen sponsors addressed the creation and purpose of this legislation.

Former Mayor Tomi Allison thanked the sponsors and the Council. She said that the Citizen's United Supreme Court ruling voided Congressional limits on campaign spending in the name of free speech. She pointed out that during the Republican Primary debates, equal time was allocated to each candidate, rather than allocating some additional time based on wealth. She said the Court decision eliminated all rules for campaign spending. She said let the people overturn this judge-made law and let Congress restore the Campaign Finance Reform people wanted.

Beth Friedman Kirk, a member of Move to Amend South Central Indiana stated she was supporting the 28th amendment because it had become

clear democracy was not working well, because political candidates depended on corporations to finance their next campaign.

Bill Milroy, Bloomington, said as a Libertarian it might surprise some that he was supporting this resolution, but added that the amount of money being spent on elections limited the ability of the individual to participate in the democratic process. He cited an NPR report that pointed out that 85% of the candidates who spent the most money on elections won those elections.

Elsa Harack said this court decision was scandalous and profoundly disturbing because of what it said about the Supreme Court, because this decision lacked input on what was best for the country and democracy. She said the country needed to fix the problem of excessive corporate power and control over the way this country works.

Scott Wells thanked the Council sponsors for introducing this resolution and Jim and Tomi Allison for initiating the action. He said that the basis of democracy was at stake, and was being sold to the highest bidder. As an example, he said in the Wisconsin recall election the two Koch brothers donated \$8 million to support Scott Walker which was twice the total amount that his opponent had.

Chaim Julian, Chair, Democracy for Monroe County said his organization strongly supported this resolution.

Robert Deppert representing labor interests said the same backers of Citizens United were the same ones who hurt labor with the Right to Work legislation. He said a corporation was not a citizen and did not care about the community.

Kathy Dilcher said the 1st Amendment to the constitution gave citizens the right to petition their government, therefore, she said she wanted to present a box of over 1600 signatures from those who had petitioned their government to amend the Constitution to declare that corporations are not persons and that money is not speech. She presented the petitions to the Clerk.

Council questions.

Spechler asked if the council was being asked to approve the brief title or the entire page and who authored it.

Council Attorney Dan Sherman said the council was being asked to approve the entire revised resolution. He also said the resolution was authored collaboratively.

Ruff added that the revisions came from Dawn Johnsen, law professor and constitutional expert.

Mayer added that this document was vetted by the local sponsors and approved by the council co-sponsors.

Public Comment.

Linda Shanks along with Ann Wrenn, League of Women Voters read a statement from the National League of Women Voters supporting the resolution.

David Weigle, said he didn't realize when he incorporated a small electronics firm that he was creating a person without involving human sex.

George Brooks said this court decision was merely about deregulating corporations. He said it was important to regulate corporate power and

that every single city council in the country should pass this same type of resolution.

Daniel McMullen said money was property and not speech. He added that we needed to take our democracy back.

James Allison, Move to Amend South Central Indiana talked about how much fun he had had working on this amendment during the past 5 months and how much he had learned. He provided background information on the national Move to Amend organization and the 113 local affiliates.

Isabel Piedmont-Smith asked that the council support this resolution. She said this is not just a reactive response since the country had had two years to see the effects of Citizens United, which she called scary. She spoke about the problems with funds raised by super PACs and said she was tired of living in a country dominated by corporations.

Rob Deppert reported that Jobs for Justice also supported this resolution.

Council Comments.

Spechler said he was happy to see the extended resolution and he would support it, and said free speech was not absolute nor were the rights of corporations.

Neher said as with the ERA, a movement that helped changed attitudes, so too with this, for it was a rallying cry for Americans to get involved because they were fed up with the corporate expenditure in elections. He added that there was now a multi-pronged approach including proposed full disclosure and the ability to disallow registered lobbyists to donate or fund raise.

Rollo said that he believed corporate personhood was at the root of many of the current problems, including ecological and environmental problems, economic policies and more. However, he said he was heartened that people were waking up to the problems.

Granger said she appreciated the human perspective from all of the "natural" people.

Volan said we should ask why there was so much money for elections. He said that just as telecommunications was regulated, so too should the money spent on elections that controls it.

Mayer said he supported the resolution and thanked the local sponsors and council staff for their work. He thanked the Herald Times for supporting this discussion when in the past they had not been supportive of items which were not of a local nature, because. He said these types of community discussion were important.

Resolution 12-09 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Ordinance 12-14 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis giving the committee Recommendation of do pass 9-0-0
It was moved and seconded that Ordinance 12-14 be adopted.

Ordinance 12-14 To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan - Re: 223 W. Dodds Street (Neighborhood Solutions, Petitioner)

Eric Greulich, Planning Department explained the ordinance which was a request from Matt Press on behalf of Neighborhood Solutions and said this was to amend the previously approved Planned Unit Development (PUD) on Dodds. He said that property was rezoned in 2009, the project

was never started and this petitioner was now amending that petition by asking for approval for his unique development. He added that the B-Line Trail was immediately to the west. Greulich said a portion of the development would be single family homes while the northern portion would be multi family and commercial. He reported that the Planning Commission voted 8-0 to forward this with a favorable recommendation.

Ordinance 12-14 (cont'd)

Volan thanked the petitioner and staff for making a modification to the parking arrangement. He wondered if the purchase of a parking space could be separated from the purchase of a condominium.

The petitioner Press said this would most likely be left to the Condominium Association to decide.

Volan said he did not want the purchase of a parking space to be required.

Amendment #1 - Reasonable Condition #1

Amendment #1 Reasonable Condition #1 The Petitioner's Statement shall be amended by striking the reference to the 1' setback for bay structures in the Lot Development Standards for the Single-Family Home Component (Lots 1 – 12) and replacing it with the following:

Bay structures (with or without a foundation) may encroach 2' into the setback on the south side of the houses, but may not encompass more than 50% of the building length.

Amendment #1 - Reasonable Condition #1 received a roll call vote of Ayes:9, Nays:0

Amendment #2 - Reasonable Condition #2

Amendment #2 Reasonable Condition #2 The Petitioner's Statement shall be amended adding the following bullet-point to the end of the Lot Development Standards for the Single-Family Home Component (Lots 1 – 12):

- Single family lots are not required to have any on-site parking.

Volan said he wanted to eliminate the idea that parking had to be a part of purchasing a condominium.

Mayer said he didn't think the amendment considered the real world in which we lived. He said for example, if a senior citizen living there required daily care, where would the caregiver park? He said he didn't think it reflected reality and was not onerous to put some level of required parking on the lot, and therefore could not support it.

Amendment #2 - Reasonable Condition #2 received a roll call vote of Ayes:8, Nays:1

Main motion as amended, discussion.

Ordinance 12-14 as amended

Rollo asked how far of a walk was public transportation, to which Greulich said about ¼ of a mile or less.

Rollo said including information on public transportation and what it would be like to live in a proposed development would be helpful to these types of presentations.

Mayer asked about the drainage on this property. Greulich said the drainage that would be installed would drain water to the storm sewers to the north.

Greulich also said because a small portion of the property was in the flood plain, the petitioner would have to get any permits needed from DNR before any work.

Isabel Piedmont-Smith said she was a neighbor of this development and thought it would fit in very well with the existing homes.

Volan said it was an excellent project and was happy to support it.

Ordinance 12-14 as amended (cont'd)

Rollo said kudos and wonderful on all respects. He said it would be a public benefit to have the front of the houses facing the B-Line Trail.

Sturbaum said two thumbs up.

Mayer said this project was so much better than the previous project.

Ordinance 12-14 as amended received a roll call vote of Ayes: 9, Nays: 0

There was no legislation for first reading.

LEGISLATION FOR FIRST
READING

There was no public input during this portion of the meeting.

PUBLIC INPUT COUNCIL

Council Attorney Dan Sherman said there would be a Special Session the following week to consider the annual tax abatement report.

COUNCIL SCHEDULE

He also asked if the Council wanted to consider two resolutions from the past Internal Work Session during the same meeting rather than during a Committee of the Whole meeting.

Volan asked to clarify the meeting formats.

Granger said she would not be present on July 3rd.

Sherman said since July 4th fell on a Wednesday, the meeting would be held on Tuesday, July 3rd and wondered how many others couldn't attend.

Mayer polled the Council and determined there would be six members present on July 3rd.

It was moved and seconded that the two resolutions be heard at the Special Session the following week.

The motion was approved by voice vote.

The meeting was adjourned at 11:05 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Timothy Mayer, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington