

In the Council Chambers of the Showers City Hall on Wednesday, December 16, 2009 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 16, 2009

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Wisler
Absent: Volan

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The minutes of Regular Sessions of April 1, 2009, June 17, 2009, and July 15, 2009 were approved by a voice vote after minor corrections were made.

APPROVAL OF MINUTES

Tim Mayer wished everyone a Happy Holiday. He asked that folks remember those less fortunate citizens in the upcoming season, and asked them to remember the pets in our community as well. He thanked the Street Department for their work on a recent snowy day; he thanked the Utilities Department for their work on a recent major water main break. Mayer thanked Bill Stuebe for his work on the Plan Commission as he was leaving that body after many years of service.

REPORTS:
COUNCILMEMBERS

Andy Ruff thanked community members for what they've contributed to improving the outlook for our community, state and nation in 2010.

There were no reports at this meeting.

MAYOR and CITY OFFICES

It was moved and seconded that the rules be suspended to take up an item not on the agenda.

The motion received a roll call vote of Ayes: 8, Nays: 0.

COUNCIL COMMITTEES

- Council Internal Work Session schedule for first quarter of 2010.

It was moved and seconded that the council adopt the Council Internal Work Session Schedule for the first quarter of 2010 without a specific start time.

It was moved and seconded that the schedule be amended to have all work sessions start at noon.

The amended start time received a roll call vote of Ayes 5 (Wisler, Sandberg, Piedmont-Smith, Ruff, Sturbaum), Nays: 3 (Rollo, Mayer, Satterfield)

The motion to adopt the council internal work sessions for the first quarter of 2010, with the starting time of noon, received a roll call vote of Ayes: 7, Nays: 1 (Rollo).

Gabe Rivera asked that people support the initiative of ending the war on drugs and that tax money not be used to fund drug prohibition in Bloomington.

PUBLIC INPUT

Buff Brown gave a presentation on parking and referred to new paradigms in parking policy that valued the ideas that oversupply of parking is harmful, publically owned shared parking is good, users paying for parking is good, and parking maximums should be based on form and mode. He said that analysis was needed to balance these items.

Ray Jordan identified himself as homeless and told of problems of harassment he had in sleeping in his car (with his dog) in a city lot. He asked that it be known that homeless persons should not be treated unkindly just because they are homeless.

It was moved and seconded that Mary Tourner be appointed to the MLK, Jr. Birthday Commission. The appointment was approved by voice vote.

It was moved and seconded that Patricia Marvin be appointed to the Hispanic and Latino Commission. The appointment was approved by voice vote.

It was moved and seconded that Resolution 09-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0. It was moved and seconded that Resolution 09-22 be adopted.

Laurie Ringquist, Director of Animal Care and Control, noted that the agreement was a routine item for approval. She said that there had not yet been an agreement with the Town of Ellettsville to join into this agreement, but that Monroe County was paying the portion of the agreement that Ellettsville usually paid. She said that this agreement was between the City of Bloomington and Monroe County only. She added that the amount was down slightly down from the previous year because the portion of animals coming from the county areas was lower. She noted that Volan had asked how long the agreement had been in effect and Ringquist said her oldest files on this item were from 1978, a possible initial cooperative arrangement.

Resolution 09-22 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 09-24 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0. It was moved and seconded that Ordinance 09-24 be adopted.

Pete Giordano, Director of the Community and Family Resources Department, asked the council to approve the creation of the Commission on Aging. He said that the commission would help the community deal with an increasingly aging population and make the services that the department offered to that demographic better. He referred to the Committee meeting on this item saying that many questions had been answered then.

Mayer said that during the McCloskey administration the Older American Center had been established and that Bloomington had always been considered a friendly place for seniors. He thanked the CFR Department for their work on this.

Ruff said that at the Committee meeting there had been reference to economic development in this demographic group. He wanted to assure the public that the needs and services to this group were of primary importance and economic development would come after that. He said that this was not an economic initiative.

Ordinance 09-24 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 09-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Resolution 09-23 be adopted.

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Resolution 09-22 To Approve the Interlocal Agreement Between Monroe County and the City of Bloomington for Animal Shelter Operation for the Year 2010

Ordinance 09-24 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Adding BMC 2.23.090 Establishing the Bloomington Commission on Aging

Resolution 09-23 To Authorize the Purchase of the CSX Switchyard

Resolution 09-23 (cont'd)

Mick Renneisen, Director of Parks and Recreation, showed maps of the area of the Switchyard that would include a total 56.81 acres of property between Grimes and Country Club Roads. He said there had been environmental studies, two appraisals had been done, CSX had signed a purchase agreement and the Parks Board approved the purchase at their last meeting. Renneisen noted that legal staff was present for questions.

Piedmont-Smith asked how long the appraisals were valid, noting one appraisal was from 2003. Renneisen said that there was no legal requirement of time between appraisal and purchase, and that all legal requirements were met.

Mayer asked about a timeline for the projects. Renneisen said \$1 million was approved in the 2008 Parks General Fund Budget for the purchase. He said some of the money was spent on environmental council and outside legal counsel, and some funds were encumbered into 2009 for this purpose. He added that several hundred thousand dollars was returned to the General Fund. He added that depending on timing, an additional appropriation could be requested in 2010 for a Master Plan for this large scale community park or it could also become part of the proposed Parks Budget for 2011. He said then a design would be derived from the Master Plan and funding would be sought through grants, TIF funds, donations, and other typical funding sources.

Rollo asked how the Master Plan would be developed. Renneisen said there would be public meetings and new techniques used for collecting public feedback, and a presentation at a Parks Board meeting, more meetings and a final presentation before the Parks Board.

Rollo asked if council would need to approve the final plan. Renneisen said it would not unless it was part of a budget presentation or required an appropriation.

Piedmont Smith congratulated Renneisen for brokering this good deal for the city. She said she was looking forward to the plan.

Mayer said that this was a rare opportunity to do something for the community that would be a legacy for everyone. He said future generations would appreciate this move, and this would be a fantastic and unique facility for the community.

Rollo said the park would be a focal point in the community and for the B-line Trail and is a sound investment for a large recreation space. He congratulated Renneisen for making this a reality.

Ruff said there was a long list of projects, services, features, assets, community groups and organizations and events and infrastructure that made Bloomington an exceptional community and this would be another item to add to that long list.

Resolution 09-23 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 09-20 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0.
It was moved and seconded that Resolution 09-20 be adopted.

Resolution 09-20 To Approve and Authorize the Execution of a Collective Bargaining Agreement Between the City of Bloomington and the Bloomington Metropolitan Firefighters, Local 586

Kevin Robling, Corporation Counsel for the City of Bloomington, said that he led the City administration's negotiating team in contract negotiations with the collective bargaining unit for the Bloomington Firefighters. He said that Jim Parrot, outgoing-president of the union, led the firefighters. He said the 4 year agreement included a 12% raise over the 4 years, a raise in longevity pay for firefighters at 20 years of service, a raise in the last year of the contract in longevity pay for 18 or 19 years of service. He said that the city's contribution to Public Employees Retirement Plan (PERF) also went from 3% to 4% in this contract.

Ruff asked if any person representing the Firefighters would like to speak.

Bob Loviscek, President of the Bloomington Metropolitan Firefighters, Local 586, spoke in favor of the Resolution. He said that the members of the local appreciated the administration and council and community that have a high regard for public safety. He thanked the former president for his leadership, thanked the administration and said the contract had been approved by the majority of the union. He thanked those involved.

Rollo asked about a recent editorial regarding the salary increases for public safety individuals. Robling said that the contract did not reflect a short-term economic vision in its realm. He noted that in 2004 a five-year contract was negotiated during a budget crunch, but it was structured so that it took that into account in the first years.

Rollo said the administration had made a commitment to public safety with personnel increases and equipment and training enhancements. Robling said that the city had met and exceeded the mayor's plan for expansion of public safety.

Piedmont-Smith asked about a figure for the fiscal impact of the last year of the contract regarding the increase in longevity pay for firefighters for 18 and 19 years of service. She said the figure seemed to indicate one and a portion of another person. Robling said that there would be one firefighter in that position, and the additional fraction was due to computing FICA taxes and the like in figuring fiscal impact.

Jim Parrot, former union president, said the negotiations were very reasonable considering the economic times of the country. He thanked the committee of 16 or 17 members who started in April. He added the support of the resolution would indicate the council support of the firefighters and the increases in training, equipment.

Sturbaum said public safety was a fundamental responsibility of government and the fair contract was a way of fulfilling that responsibility.

Mayer said that the city firefighters were very professional and part of the money that had been negotiated in the contract was for professional training and recognition to the firefighter for achieving certain levels and standards. He said he had witnessed the methodical assessment and action of the firefighters in a neighborhood fire, and noted how impressed he was with their work.

Sandberg said when times were hard, morale was important. She credited the city with keeping the contract stable in hard economic times.

Ruff noted calls to the fire department and the professionalism of the firefighters. He said that a scared and stressed citizenry benefitted from the methodical, respectful and considerate actions of the firefighters.

Resolution 09-20 (cont'd)

Resolution 09-20 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 09-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0. It was moved and seconded that Ordinance 09-25 be adopted. Kevin Robling, Corporation Counsel for the City of Bloomington, said that this would amend the salary ordinance to reflect the resolution that was just passed.

Ordinance 09-25 To Amend
Ordinance 09-13 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2010 – Re: Reflecting Collective Bargaining Agreement Affecting Positions in the Fire Department

Bob Loviscek, President of the Bloomington Metropolitan Firefighters, Local 586 said he encouraged support of this ordinance.

There were no specific council comments at this time.

Ordinance 09-25 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 09-24 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, saying that there was no committee recommendation on this item. It was moved and seconded that Resolution 09-24 be adopted.

Resolution 09-24 To Authorize the Transfer of Money Between Budget Classifications for Payroll Needs Related to the Twenty-Seventh Pay

Mike Trexler, City Controller, spoke regarding the Resolution. He said that significant reversions from Budget Category 1 usually left the City with some money for overtime in police, fire and street departments. He said that the money with the former appropriation ordinance from the fall left things a little too tight to meet the last payroll. He explained that it was too late in the year to ask for an additional appropriation with the time required for notices that would be necessitated from that action. He said that Margie Rice, City Attorney, was familiar with a provision in the Indiana Code that allowed for the transfer of funds between budget categories within a department within a fund as long as the transfer would not increase the total amount of the budget by resolution. He said that the shortages in specific lines could be handled in this manner. He reiterated that the problem was not that of cash flow, but instead it was one of not enough appropriated in specific lines to cover the need in terms of salaries for the last payroll period.

He outlined the \$105,000 in total transfers from categories two, three and four to category 1. He again said that departments were frugal with their expenses in those categories and therefore could cover payroll expenses within their overall budget limits.

There were not questions from the public or council members on this item.

Piedmont-Smith noted that interns and overtime would make it difficult to completely plan in this situation. She added for the record that she appreciated having a two meeting cycle to consider appropriations instead of a one meeting resolution on the matter. She hoped that future discussions of this nature could follow the two meeting cycle.

Sturbaum said he was glad the city would be able to pay its bills.

Resolution 09-24 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 09-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Ordinance 09-23 be adopted.

Mike Satterfield referenced the Committee discussion and said he had a couple of things to add. He said the legislation was offered to define some safety and operational requirements including licensing, make of the vehicle, inspections, and other equipment requirements. He said local bike shops indicated that the inspection process was fair and they were in support of the ordinance.

Mayer said introduction of the amendment at this time would be in order.

It was moved and seconded that Amendment #1 to Ordinance 09-23 be adopted.

Satterfield said that the four items covered in the amendment were of a nature to clarify the requirements of the ordinance. Stacy Jane Rhoads, Council Staff, explained the provisions. She said that in the interest of clarity the prohibition on home made velocabs had been moved to equipment regulations. She noted that lighting was clarified to add the words "at least" in front of the required lighting to reflect state law. She added that some small typos were corrected, and the language was removed to allow ambient lighting on the inside of the cab.

Margie Rice, City Attorney, said that the amendment took questions and concerns of council and vendors into consideration in its formation.

Mayer asked about commercially and home made velocabs. He asked how velocabs would be considered commercially made if a local bike shop or a local welding shop constructed the velocab. Rice said she was comfortable with the dictionary definition of "commercial" which she said would protect the city.

Chris Waggoner, owner of Fresh Air Taxis in Bloomington, thanked the council and said he approved of this amendment. He said he was concerned that part four could contradict part three of the amendment in terms of lighting. Ruff asked Rhoads and Satterfield about the matter. Rhoads said that by adding the 'at least' language, the intent was clear.

Wisler said he had worked with the staff on some of the language, and the term 'in excess' referred to the number of lights and not how much more powerful the lights were in the requirements. Rice agreed it meant number and said the language was common statutory language. Ruff agreed that he read the language the same way.

There was no more public comment on this amendment.

Sandberg said that she was comfortable with changes and liked the review clause, but added that it could be made better in the future.

Sturbaum thanked Satterfield for his work on this item.

Amendment #1 received a roll call vote of Ayes: 8, Nays: 0.

Ruff asked for additional comments from Satterfield, to which he said he was ready to move forward.

Ordinance 09-23 To Amend Title 4 of the Bloomington Municipal Code Entitled "Business Licenses and Regulations" (Adopting Chapter 4.26 entitled, "Velocabs")

Amendment #1 This amendment sponsored by Councilmember Satterfield makes a number of changes to clarify the requirements of the ordinance and to correct scrivener's errors. The amendment eliminates the provision of the ordinance prohibiting any lighting in excess of the lighting requirements provided by the ordinance and replaces this provision with a prohibition against any extra exterior lighting in excess of the requirements of the ordinance and prohibits flashing or twinkling lights on the velocab's interior.

Ordinance 09-23 as amended

Chris Waggoner thanked the council from the Velocab industry saying that he felt the ordinance protected the public while making the industry viable.

Ordinance 09-23 as amended (cont'd)

Sarah Ryterband, citizen, said she was confused that a velocab operator needed to have a motor vehicle operator's license in order to drive a velocab on the street as opposed to herself, as a bicyclist, needing to operate with knowledge of the motor vehicle regulations and not needing that BMV license. She said she saw it as an undue and unnecessary restraint on the velocab operator. She said that they may not choose to own or operate a motor vehicle and suggested that this requirement was unnecessary.

Piedmont-Smith thanked Satterfield, Rhoads, Rice and staff for their work on the initial effort of regulating velocabs. She said it was proper to ensure public safety. She said Ryterband's comments reflected her initial response to that part of the legislation. She said it was pointed out to her that the city would have no other way of knowing that the operator understood the rules of the road, and that they were not reckless drivers. She said it would be irresponsible of the city to approve a velocab operation without some mechanism to check on this area of safety for passengers. She said that there was really no other mechanism for operators to demonstrate their proficiency in the rules of the road, and that it would be prohibitive for the city to develop one at this time.

Mayer thanked Satterfield and the legal staff for taking on the issue and bringing it to fruition. He also made reference to Satterfield's being a former Little 500 rider (!).

Satterfield thanked his colleagues for working through the process with him, and he specially thanked Rhoads for her excellent help and research in the process. He said he appreciated the help of the legal staff, and was looking forward to new forms of transportation on the street.

Ruff thanked Satterfield and noted that there was no communication from the taxi company and that they were not present tonight for comments and so he was comfortable passing this legislation. He thanked all staff for their work. He commented on a previous discussion creating new restrictions and rules of the road for velocabs, extending that to bicyclists regarding lane use. He reiterated that bicyclists operated within the rules of the road and had the same responsibilities and rights as motor vehicle operators. He said future discussion might be needed for additional restrictions on bicyclists (as allowed under law) or as velocabs as a business.

Ordinance 09-23 as amended received a roll call vote of Ayes: 8, Nays: 0.

There was no legislation for introduction at this meeting.

LEGISLATION FOR FIRST
READING

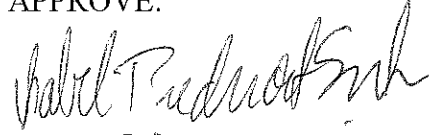
Gabe Rivera returned to speak about what he believed were the dangers of swine flu vaccines.

PUBLIC INPUT

The meeting was adjourned at 9:30 pm.

ADJOURNMENT

APPROVE:



ISABEL PIEDMONT-SMITH
~~Andy Ruff~~, PRESIDENT
Bloomington Common Council

ATTEST:



Regina Moore, CLERK
City of Bloomington