



City of Bloomington Common Council

Legislative Packet

2 May 2012

*Please consult the [legislative packet](#) issued in interest of the
18 April 2012 Common Council meeting for Ordinance 12-09 and 12-10.*

*Please consult the [legislative packet](#) issued in interest of the
25 April 2012 Common Council meeting for Resolution 12-04.*

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**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, MAY 2, 2012
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: January 18, 2012

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public ***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 12-09 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” – Re: Amending Chapter 2.04 Entitled “Common Council” to Ease the Opportunity for Standing Committees to Consider Legislation Pending Before the Council

Committee Recommendation: Do Pass 2 - 4 – 3

2. Ordinance 12-10 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” – Re: Amending Chapter 2.04 Entitled “Common Council” to Establish and Clarify Scheduling Policies for Council Committees

Committee Recommendation: Do Pass 3 - 3 – 3

3. Resolution 12-04 To Establish a Slate of Standing Committees of the Bloomington Common Council

Committee Recommendation: Do Pass 3 - 2 – 2

VII. LEGISLATION FOR FIRST READING

None

VIII. ADDITIONAL PUBLIC COMMENT * (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the Agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 30 April - 5 May 2012

Monday, 30 April

12:00 pm Staff - Council Internal Work Session, McCloskey
4:00 pm Council for Community Accessibility, McCloskey

Tuesday, 1 May

1:30 pm Development Review Committee, McCloskey
4:30 pm Commission on Aging, Hooker Room
7:30 pm Telecommunications Council, Council Chambers

Wednesday, 2 May

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 3 May

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 4 May

No meetings are schedule for this date

Saturday, 5 May

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

Please Note: For a public meeting to be listed on the *Weekly Calendar*, please make sure the meeting is entered on the City's Google calendar (prefaced by a "C") by 5p the Wednesday before the meeting. You may also e-mail meeting information to:

council@bloomington.in.gov

Thank you!

Posted and Distributed: Friday, 27 April 2012

In the Council Chambers of the Showers City Hall on Wednesday, January 18, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 18, 2012

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Sturbaum, Volan, Granger
Absent: Spechler

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

Minutes for January 4, 2012 were approved by a voice vote

APPROVAL OF MINUTES

Steve Volan noted that as this was the first regular session of the year he wanted to clarify the role of the council. He reviewed the nature of the role of the council as a legislative body, and showed IC 3-4-6-21 entitled *Investigative powers of the legislative body*. He said the Bloomington Municipal Code mimicked the state statute and showed BMC2.04.200 *Investigatory powers*. He noted that the council's power and duty was "to supervise and investigate all departments, officers and employees of the government of the city."

REPORTS:
COUNCILMEMBERS

Volan said that this function did not need to be adversarial but he thought that the duties should be reviewed and said that citizens should hold council members to that code.

Dave Rollo said there had been much activism on the Stop Online Piracy Act (SOPA) which he said would constrict freedom of the internet during that day. He said that in late breaking news the Obama administration announced that they were denying the permit for the Keystone XL Pipeline which was set to run from Alberta to Houston. He noted that this oil was from the tar sands mining project in Alberta, long thought to be too expensive to mine. He said that this and deep water drilling through deep ocean indicated that Peak Oil had arrived. He said the tar sands mining project was harmful to the environment, and the energy return was atrocious. He quoted James Hanson of the National Aeronautics and Space Administration:

The scientific community needs to get involved in this fray now. If this project gains approval, it will become exceedingly difficult to control the tar sands monster.

Environmental Impacts of tar sands development include: irreversible effects on biodiversity, the natural environment, reduced water quality, destruction of fragile pristine Boreal Forest and associated wetlands, aquatic and watershed mismanagement, habitat fragmentation, habitat loss, disruption to life cycles of endemic wildlife particularly bird and Caribou migration, fish deformities and negative impacts on the human health in downstream communities.

Although there are multiple objections to tar sands development* and the pipeline, including destruction of the environment in Canada and the likelihood of spills along the pipeline's pathway, such objections, by themselves, are very unlikely to stop the project.

An overwhelming objection is that exploitation of tar sands would make it implausible to stabilize climate and avoid disastrous global climate impacts. The tar sands are estimated (e.g., see IPCC Fourth Assessment Report: Climate Change 2007 (AR4) report) to contain at least 400 Gigatons of Carbon (GtC) (equivalent to about 200 ppm CO₂).

Easily available reserves of conventional oil and gas are enough to take atmospheric CO₂ well above 400 ppm. However, if emissions from coal are phased out over the next few decades and if unconventional fossil fuels are left in the ground, it is conceivable to stabilize climate.

Rollo said people need to shore up this decision by the president and not let it be subject to attack by moneyed interests.

Darryl Neher announced his constituent meeting at the Monroe County Public Library and thanked his predecessor, Isabel Piedmont-Smith, who started the meetings that he was pleased to continue hosting. He noted that the meetings would be on the 4th Saturday of each month.

Dorothy Granger noted that neighbors in the Fritz Terrace area were interested in reactivating a neighborhood association and asked residents

of that area to contact her for more information on the matter.

She also noted that she would be co-hosting a regular City-County Residents' Breakfast with Julie Thomas of the Monroe County Council. She announced it would be at 7:30 on the 3rd Fridays at Rachel's Café on East Third Street.

Susan Sandberg noted that she and Andy Ruff attended an event regarding right-to-work legislation at the state level. She urged people to pay attention to the fact that this was an attack on labor and the middle class and does actually foster good jobs in the community. She noted Carven Thomas was a great spokesperson for the reality of the issue. She said that there would be expensive ads in favor of the legislation but urged citizens to look at the other side of the issue and not be swayed by these ads.

Timothy Mayer thanked the city staff for their work in the windy wet storm that brought down many branches earlier in the week. He mentioned the passing of Mike Jobs, a young man with much vision and potential. He also mentioned the passing of the Reverend John Walters, a former pastor in Bloomington. Finally he mentioned former Deputy Fire Chief and Parking Enforcement Officer David Hamilton who passed away suddenly.

There were no reports from the mayor or city offices.

MAYOR and CITY OFFICES

There were no committee reports at this meeting.

COUNCIL COMMITTEES

Mayer called for public comment.

PUBLIC INPUT

Gabe Rivera spoke about ending the drug war in the country.

Mary Hogue said she was involved in the Occupy movement, and talked about her experiences in the three months of the encampment at People's Park. She stated the importance of leaving the park clean and better than it was at the beginning of the movement. She also spoke about the social net that does not exist in the community for many folks who sought shelter with the Occupy movement.

Aaron Pollitt said that his involvement with Occupy was a lot of work, and said he valued the time that the council afforded people to speak at their meetings. He said it was an empowering experience for citizens and that people should take advantage of it.

Charis Heisy said the Occupy movement taught her the process for direct communication with people. She said she invited the mayor to have a conversation with her, but hadn't heard from him yet.

Daniel McMullen noted civil rights issues and noted that he had been asked to move away from the entrance of the library while smoking a cigarette. He questioned the many laws of the city, and said the city could be improved.

President Mayer read off his list of appointments to council board and commission interview committees as follows:

BOARD AND COMMISSION
APPOINTMENTS

- Animal Control Commission – Sturbaum, Granger, Mayer
- Bike and Pedestrian Safety Commission - Neher, Rollo, Sturbaum
- Commission on Aging - Mayer, Sandberg, Spechler
- Commission on Sustainability – Rollo, Volan, Granger
- Bloomington Arts Commission – Ruff, Sandberg, Sturbaum
- Bloomington Digital Underground – Neher, Spechler, Volan
- Historic Preservation Commission – Spechler, Sturbaum, Volan
- Human Rights Commission – Rollo, Sandberg Volan
- Public Transportation Commission – Mayer, Volan, Sturbaum
- Urban Enterprise Association - Neher, Sturbaum, Volan

Housing Quality Appeals Board – Mayer, Ruff, Granger
Board of Zoning Appeals – Mayer, Rollo Spechler
Community & Family Resources Commission – Neher, Sturbaum, Volan
Commission on the Status of Women – Neher, Rollo, Sandberg
Commission on the Status of Black Males – Ruff, Sandberg, Spechler
Commission on Hispanic & Latino Affairs – Mayer, Sandberg, Volan
Environmental Commission – Ruff, Rollo, Sturbaum
Housing Trust Fund Board – Neher, Rollo, Sandberg
MLK Jr. Birthday Commission – Ruff, Sandberg, Spechler
Redevelopment Commission – Ruff, Spechler, Sturbaum
Utilities Service Board – Mayer, Sandberg, Granger
Tree Commission – Neher, Volan, Granger
Traffic Commission – Ruff, Spechler, Sturbaum
Telecommunications Council – Neher, Volan, Granger

BOARD AND COMMISSION
APPOINTMENTS (*Cont'd*)

The nominations were seconded and approved by a voice vote.

It was moved and seconded that Ordinance 12-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0. It was moved and seconded that Ordinance 12-01 be adopted.

LEGISLATION FOR SECOND
READING

Ordinance 12-01 To Amend the Outline Plan and District Ordinance for Parcel I of the Woolery Planned Unit Development (PUD) – Re: 1480 W. Tapp Road (Tommy and Lesli Berry, Petitioners)

James Roach, Senior Planner, gave a background on the petition which would change the Woolery PUD to accommodate the Bloomington United Gymnastics School and the Bloomington United Soccer School in a new building. He noted that the amendment was proposed to add the use of a recreation center to the permitted uses on the property and to make changes in the UDO standards for commercial architecture. Roach spoke about some green features of the building including features to collect stormwater in ponds that were originally used for the milling operation. He noted that the Plan Commission recommended this action.

Lesli Berry, petitioner, thanked the council for hearing the petition, and noted that the architect and engineer for the project were present for questions.

Rollo asked about difficulties posed by green building design. Doug Bruce, architect for the project, noted features of the project that would gain LEED 'points' and noted that the building met new energy codes. He noted that solar cell technology would be considered in the future.

Volan asked Bruce how much space an indoor recycling center would take up in this facility. Bruce said that the use of the building produced a lot of plastic bottles and beverage cans, and that the 8' x 8' room would be ideal, but in actuality the collection points would be in the lobby of the building and serviced more regularly.

Ms Berry said that space was at a premium in the building, but was committed to recycling on a daily basis. Volan pursued talking trash with Berry regarding recycling and trash collection for the facility.

Rollo asked if the bioswales met the specifications of landscaping requirements in terms of native species. Roach said that the site plan met those specifications.

Rollo asked about the detention ponds, the flood plain and the stormwater runoff. Roach said there was a connection between ponds, and an outlet structure in the largest pond before stormwater would be discharged into the creek.

There was no public comment at this time.

Sturbaum said it was a good project and would work well on the site.

Sandberg said she supported the amendment and noted the enthusiastic audience that spoke to the project at the committee meeting on the item.

Volan said perhaps there didn't need to be a devoted recycling room in the facility and was satisfied with Berry's plan. He said he supported the project.

Rollo said there were many reasons to support this project which benefitted the community. He noted costs associated with a green building design and hoped that features not incorporated at this time could be considered in the future. He said the area lacked public services and specifically mentioned the need for a fire station, grocery, and other neighborhood uses. He said that this and medical facilities in the area provided an incentive to have the public transportation serve this area.

Ruff said based on the lengthy discussion in the committee meeting he was in support of the project.

Mayer noted his support for the project, calling it the right project for the right location. He said a trash hauler could solve the recycling problem easily.

Rollo thanked the staff who he said did excellent work on projects of this nature.

Ordinance 12-01 received a roll call vote of Ayes: 8, Nays: 0.

There was no legislation for First Reading at this meeting.

LEGISLATION FOR FIRST READING

Ordinance 12-02 To Amend the Planned Unit Development (PUD) District Ordinance and Preliminary Plan For Parcel C(a) of the Thompson Area PUD Re: 1140 S. Morton Street (First Capital Management, Petitioner)

Ordinance 12-02

Ordinance 12-03 To Amend the Planned Unit Development (PUD) District Ordinance and Preliminary Plan for Tract E of the Thomson PUD – Re: 1525 S. Rogers Street (NSSX Properties, LLC – Warehouse Community Center, Petitioner)

Ordinance 12-03

Glen Carter who occupied People's Park during the former three month period spoke of the homeless situation in Bloomington since the Occupy Camp was closed. He referred to the HT article that said the movement was misguided and naïve and noted that the editorial was misguided.

PUBLIC INPUT

Shawn Kastner, Cheryl Underwood and Steve Redick spoke sequentially about a proposed amendment to the UDO with regard to density. They addressed issues of dwelling unit equivalents, sleeping spaces, bedrooms and zoning issues.

There was no discussion of the council schedule at this meeting.

COUNCIL SCHEDULE

The meeting was adjourned at 9:15 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington