



City of Bloomington Common Council

Legislative Packet

Regular Session

20 April 2011

Please consult the [Legislative Packet](#) issued in interest of the 06 April 2011 meeting for legislation and background material.

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**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, APRIL 20, 2011
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: November 17, 2010 (Special Session)

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. Appropriation Ordinance 11-01 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating a Grant from the Bloomington Bicycle Club to fund the Bicycle Light Campaign)

Committee Recommendation: None (Committee Cancelled)

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

Motion to Cancel Committee of the Whole scheduled for April 27, 2011

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: Calendar for the Week of 18-23 April 2011

Monday, 18 April 2011

12:00 noon Bloomington Entertainment and Arts District Advisory Committee, McCloskey
5:00 pm Farmers' Market Advisory Council, Parks Room 250
5:00 pm Jack Hopkins Social Services Funding Committee Initial Review of Applications, McCloskey
5:00 pm Gallery Talk with Craig Barton, Council Chambers
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room

Tuesday, 19 April 2011

11:30 am Plan Commission Work Session, Kelly
4:00 pm Board of Public Safety, McCloskey
5:00 pm Community and Family Resources Commission, Hooker Room
5:30 pm Animal Control Commission, McCloskey
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W Grimes Lane
7:00 pm Telecommunications Council, Council Chambers

Wednesday, 20 April 2011

9:30 am Tree Commission, Rose Hill Cemetery Office, 930 W 4th Street
2:00 pm Hearing Officer, Kelly
5:00 pm Bloomington Community Arts Commission, McCloskey
5:00 pm Deer Task Force Outreach Working Group, Hooker Room
7:00 pm Environmental Commission, McCloskey
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 21 April 2011

8:00 am Bloomington Housing Authority, Housing Authority, 1007 N. Summit, Community Room
9:00 am Emergency Management Advisory Committee, Council Chambers
12:00 noon Common Council Internal Work Session, McCloskey
3:30 pm Bloomington Municipal Facilities Corporation, Hooker Room
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, 22 April 2011

City Holiday – Offices Closed

Saturday, 23 April 2011

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

Posted and Distributed: Friday, 15 April 2011

In the Council Chambers of the Showers City Hall on Wednesday, November 17, 2010 at 7:30 pm with Council President Isabel Piedmont-Smith presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
NOVEMBER 17, 2010

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

ROLL CALL

Council President Piedmont-Smith gave the Agenda Summation. She announced also that there would be no opportunity for public comment on items not on the agenda.

AGENDA SUMMATION

There were no appointments to boards or commissions at this meeting.

BOARD AND COMMISSION
APPOINTMENTS
LEGISLATION FOR SECOND
READING

It was moved and seconded that Appropriation Ordinance 10-04 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 Appropriation Ordinance 10-04 be adopted.

Appropriation Ordinance 10-04 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Grants and Donations to Be Used for Maintenance and Consulting Services Related to the Animal Shelter)

Laurie Ringquist, Director Animal Care and Control explained that this was a request to appropriate \$7,617 dollars from a grant from PetSmart Charities for which she applied for replacement of cat kennels and painting of that area. The second item was a \$10,000 anonymous donation which they would like to appropriate for a facilities needs assessment. She said that she was looking for an assessment of the older half of the building since the newer half met their needs.

Piedmont-Smith asked how the City of Bloomington received PetSmart Funds.

Ringquist replied that PetSmart Charities, which was separate from the PetSmart stores, has a number of different grants and also specific grants for animal shelters that participated in the Rescue Wagon program. She said this was a regular grant process with deadlines and criteria.

There was no public comment.

Satterfield thanked Ms. Ringquist for all of her efforts.

Appropriation Ordinance 10-04 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 10-16 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 Resolution 10-16 be adopted.

Resolution 10-16 Approving the Enlargement of the Downtown Economic Development Tax Allocation Area

Tom Micuda, Planning Director said he was joined by Margie Rice, City Attorney, Adam Wason, Assistant Director of Small Business and Sustainable Development and Mike Trexler, Controller to present this resolution. He said the City Council was here to approve the Plan Commission's *Written Order Regarding The Expansion Of The Downtown TIF* and to physically enlarge the boundaries, after which it would move to the Redevelopment Commission for final action.

Micuda answered questions from the previous meeting.

He said there was a difference between the Certified Technology Park Funds as well as TIF funds in terms of how they could be used. Micuda said City Attorney Margie Rice composed a memo sent to the Council Office outlining the parameters of CTP funds. The memo emphasized that TIF funds were generally more flexible in terms of expenditures for various projects.

Micuda explained that the Plan Staff had not explored reusing the rail corridor on the north side of the property for other purposes such as light rail. However the topic of the rail corridor and how it would relate to the TIF would be something that he would officially put on the table as part of the Master Plan process.

Volan asked what the next step was if the Council voted no. Rice said a no vote would kill this issue and it would have to go back to the Redevelopment Commission to start the process over. She said for this current process, the council needed to take an up or down vote, adding that an amendment would be the same as a denial. The statute said that the Order was issued by the Plan Commission and it was up to the Council to approve and finally issue the Order, so it anticipated that this document would stay intact, and that the Council would say “yes” we approve this document and we issue it or “no” we don’t.

Piedmont-Smith asked whether adding to the Council’s “whereas” clauses—and not the Order—would send this back to the Redevelopment Commission. Rice said no it would not, as long as the Order as issued by the Plan Commission was approved which included the TIF plan unchanged, so “whereas” clauses would not amend the TIF plan.

Rollo asked if the TIF goals precluded low-tech economic development proposals, to which Micuda said no, it did not.

It was moved and seconded that Amendment #1 to Resolution 10-16 be adopted.

Volan explained that his amendment specified that structured parking not be publicly financed.

Rollo clarified that structured parking was a building to house cars and not street parking.

Ruff asked that the administration staff provide their perspective.

Rice said she preferred the Council pass the resolution as is without the amendment. She said it was their position that the amendment was limiting and may have unintended future consequences. She said specific concerns were that there was no dominate large business that was anticipated to be located in the area that could possibly be the private funder of a garage, the county which plans to lease the northern portion of the Showers may have some interest in a structured parking garage. She added that this amendment could tie the hands of another public entity, and she opposed limiting the city’s flexibility since a Master Plan still needed to be conducted and she would not want to take anything off the table before then.

Sturbaum asked Volan, if downtown garages have proven beneficial why was he posing this amendment.

Volan said the three downtown publicly-financed garages currently run at a deficit. He said parking is one of the lowest and worst uses of land.

Amendment #1 to Resolution 10-16
This amendment is sponsored by Councilmember Volan and clarifies that the council agrees with the plan objective of providing structured parking facilities in conjunction with area employment uses as long as those facilities are privately financed.

He said another garage would go against the UDO and was not sustainable.

Amendment #1 to Resolution 10-16
(cont'd)

Sandberg asked Volan if he would ever see a publicly subsidized parking structure if it meant increased job creation.

Volan said that he disagreed that publicly funded structured parking was a necessary tool to create jobs. He said that incentivizing parking would limit public and other forms of transportation. He added that if the parking was so necessary, then someone else would build it.

Sturbaum said that Volan's assumption was that garages would have been built naturally if the market was just allowed to operate freely.

Volan said he was not sure that the existing parking garages downtown were even necessary.

Ruff asked, with the changes in the economy and transportation what was the likelihood that another parking garage would be a smart investment in light of the Peak Oil Task Force's report *Redefining Prosperity*.

Volan said his position was not that garages should not be built, but that it was not a good public investment.

Rollo said that the *Redefining Prosperity* observed that there were limited resources and limited funds in the future, and parking and automobile transport as a predominant form of transportation would be limited because of the high cost and scarcity of fuel. He said it was misspent scarce resources for the public to subsidize parking.

It was moved and seconded, that Amendment #1 be modified by deleting the last two words "privately financed" and substituting "not financed by the city".

Amendment to Amendment #1
This amendment is sponsored by Councilmember Piedmont-Smith and clarifies that the council agrees with the plan objective of providing structured parking facilities in conjunction with area employment uses as long as those facilities are not financed by the city.

Piedmont-Smith that this amendment would allow the county to build a garage if they chose that option, but would make a clear statement that the city should not invest money in a garage.

Volan said he didn't think that any governmental entity or tax dollars should be used for parking in this area. He preferred that his amendment not change in any way.

Councilmember Piedmont-Smith withdrew her amendment to Amendment #1. This action was not opposed by any council member.

Wisler said he agreed in spirit with this amendment which would prohibit publicly subsidizing parking. However, if over time there was the market to support parking, it did not mean that there would necessarily be the private funding to finance it. He added that the public financing of it did not equate to a public subsidy, and while he agreed in spirit he said it wasn't appropriately worded and as a "whereas" clause was just a statement of opinion.

Amendment #1 to Resolution 10-16
(cont'd)

Sandberg said her concern was that this project would be a blank slate and not knowing what would develop in the area, it was unknown as to what would be in the best public interest in the future. She said this would make it extremely limiting and said it was significant that staff had opposed this.

Volan said he did not assume that garages would be built. A garage may well be a smart investment, and if so, something that a private investor should take on if the market supported it. He added that it was not his

intent to reduce the number of cars, but to reduce vehicle miles traveled, which would be supported by discouraging car infrastructure and subsidized structured parking. Volan said the city needed to be innovative with parking options in order to lead others to do so. Rollo said he agreed with Volan because the country was in dire straits in terms of energy availability, and that building interstates, widening roads and building parking garages at the public expense was taking money away from the other types of infrastructure and social services.

Amendment #1 to Resolution 10-16
(cont'd)

Sturbaum said the job of Council was to approve or not approve the TIF, and he did not want to remove any options that could contribute to local economic development.

Satterfield said he did not understand the importance of this amendment, and placing restrictions on the development of this property was not very far sighted.

Ruff said he believed this was a situation where public money could be much better spent. He added that all parking would not be vacated, as there would still be three parking garages downtown. He said he just could not support adding more.

Piedmont-smith said the *Peak Oil Task Force Report: Redefining Prosperity* was not something to be read and put on the shelf, but rather something upon which all decisions needed to be based.

Satterfield said he was a bit offended by Piedmont-Smith's statement that council members had not internalized *Peak Oil Task Force Report: Redefining Prosperity* and said he was tired of the drama surrounding this.

Volan said plans such as the GPP inform later decisions and all throughout it said to reduce car transportation.

Rollo said in terms of drama, this was important, since funds spent on parking garages would reduce funding for other needs. He added that this had been a very good debate and the type of thing the Council should be discussing. He credited Volan with bringing it forward.

Sturbaum said the TIF did not mandate a parking structure, but left the opportunity there for that to happen if it was viewed as a good economic opportunity.

Ruff said in no way would he ever think that a parking garage would be a sensible investment, therefore the council needed to reduce the chance of such an investment, just as with I-69. He also thanked Volan for the amendment.

Wisler said that for those who believed that no public money should be spent for a parking garage, then the amendment was not the answer. Rather it would be to vote against the TIF, because support of the TIF would direct public tax money into a pot where it could be spent on a parking garage.

Amendment #1 to Resolution 10-16 received a roll call vote of Ayes: 4 (Rollo, Ruff, Piedmont-Smith, Volan), Nays: 5 (Sandberg, Wisler, Satterfield, Sturbaum, Mayer) and thus FAILED.

Amendment #1 to Resolution 10-16
vote

Public Comment:

Discussion on Resolution 10-16
(cont'd)

Kay Bull said it was ludicrous to spend tax money on a garage or a highway, because of the damage that a highway did to human life. Bull

said people who want to reduce car transportation and highways were the ones who should be supported.

Discussion on Resolution 10-16
(cont'd)

Larry Jacobs, Chamber of Commerce said the TIF amendment was needed from an economic standpoint. He pointed out that the average income level in Bloomington was below average and the community needed to do anything possible to brew good jobs that would raise the average wage of the workforce in Bloomington.

Council Comments:

Rollo said he agreed with Mr. Jacobs and that there was much opportunity for relocalization efforts which should be explored. He said this was a very attractive area for economic development especially with the rail line. Rollo said he appreciated that Mr. Micuda would include the rail line as a part of the master plan in the future.

Wisler said what the TIF meant, was that needs within the area would be paid for by the taxes collected in this area. The taxes from those in the TIF area would pay for improvements within the area. He explained that it eliminated the 'masses' from funding a public garage in this area. Wisler added that this created a tool for developing more jobs downtown, which was something very much needed.

Sturbaum said this was good government and it needed fertilization to grow what was needed to grow there. This was a positive action of public and private partnership in the area.

Ruff said he felt strongly about the defeated amendment, but the plan was stronger than the possibility of the missed subsidy. He did not agree that the TIF area was generated by or would negatively affect other areas. Rather, the development, he said would create a demand which would be interrelated, and rejected that this was reducing a burden or demand on any other part of the community because we were all a community.

Volan said that TIFs don't capture dollars that would have gone to the city, but to the state, and so this was a good thing as there was more local control over tax dollars that would normally go to the state. He said even if the council was sidetracked with the amendment, it did not diminish the importance of the TIF. He felt his intention was not understood, because his intent was that building a parking garage with taxpayer dollars should be done only after all other methods were exhausted. He said this resolution was very important to the economic development of downtown.

Mayer thanked the Mayor and everyone who worked to bring this forward and said it was an important look to the future.

Piedmont-Smith said this was a good move overall, but was disappointed that the amendment did not pass because of the need to be consistent to the administration and public about the planning for peak oil. But, she added, that concern did not override the benefits of amending and enlarging this TIF district.

Resolution 10-16 received a roll call vote of Ayes: 9, Nays: 0.

Final vote on Resolution 10-16

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST
READING

Ordinance 10-16 To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" (Adding Chapter 7.54 "Miscellaneous Fees")

Ordinance 10-16

Ordinance 10-18 Authorizing the City of Bloomington, Indiana to Issue Its Economic Development Recovery Zone Facility Revenue Bonds, Series 2010 ("Bloomington Dyslexia Center LLC") in the Principal Amount not in Excess of Two Million One Hundred Thousand Dollars (\$2,100,000), and Approving and Authorizing Other Actions in Respect Thereto

Ordinance 10-18

Ordinance 10-19 Authorizing the City of Bloomington, Indiana to Issue Its Economic Development Recovery Zone Facility Revenue Bonds, Series 2010 ("1302 S. Rogers LLC") in the Principal Amount not in Excess of Two Million Three Hundred Thousand Dollars (\$2,300,000), and Approving and Authorizing Other Actions in Respect Thereto

Ordinance 10-19

It was moved and seconded that the council hold an extra Committee of the Whole after the Regular Session on December 1st and a Special Session before the Committee of the Whole on December 8th.

COUNCIL SCHEDULE

Volan said he would vote against this because more prior planning should have occurred.

Piedmont-Smith said she believed that the administration should have brought the items requiring an additional meeting to the council in a more timely matter so that additional meetings did not have to be scheduled. But also added that the Council wanted to support the administration in meeting externally set deadlines.

The motion received a roll call vote of Ayes: 7, Nays: 1 (Volan). Wisler was out of the room.

The meeting was adjourned at 9:12 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Isabel Piedmont-Smith PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

