



City of Bloomington Common Council

Legislative Packet

Regular Session

02 March 2011

*Please consult the [Legislative Packet](#) issued in interest of the
23 February 2011 Committee of the Whole Session for legislation and background
material.*

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of State of the City** on Wednesday, March 2, 2011 at 5:30 p.m. in the Council Chambers
- **Notice of Deadlines and Schedule** for the Jack Hopkins Social Services Funding Committee for 2011

Legislation for Final Action:

- **Res 11-04** To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2011
Contact: Lisa Abbott at 349-3576 or abbottl@bloomington.in.gov

Please see the Council Legislative Packet for [23 February 2011](#) for the legislation, materials and summary.

Legislation and Background Material for First Reading:

- **Ord 11-02** An Ordinance Amending Ordinance 10-18 Authorizing the City of Bloomington, Indiana to Issue Its Economic Development Revenue Bonds, Series 2011 (Bloomington Dyslexia Center, LLC Project) in the Principal Amount Not in Excess of One Million Five Hundred Thousand Dollars (\$1,500,000), and Approving and Authorizing Other Actions in Respect Thereto - Memo to Economic Development Commission from Karl Sturbaum, Bond Counsel; EDC Res 11-02; Ord 10-18 with Changes Highlighted; modified Site Plan documents
Contact: Adam Wason at 349-3418 or wasona@bloomington.in.gov

Please see the Council Legislative Packet for the [17 November 2010](#) meetings of the Council for the initial legislation, materials and summary.

Minutes from Regular and Special Sessions:

- December 8, 2010 (Special Session)
- December 15, 2010
- January 19, 2011
- February 16, 2011

Memo

**Reminder: Mayor Kruzan's *State of the City Address* is on
Wednesday at 5:30 p.m.**

One Resolution Ready for Action and One Ordinance Ready for Introduction at the Regular Session on Wednesday, March 2nd

There is a resolution ready for action and an ordinance ready for introduction at the Regular Session next Wednesday. The resolution was discussed at the Committee of the Whole on February 23rd and the information regarding it can be found as indicated previously in this memo. The ordinance can be found in the packet and is summarized herein.

First Readings

**Item One – Ord 11-02 – Amending Ord 10-18 which
Authorized the Issuance of
No More Than \$2.1 Million in Tax Exempt American Recovery and
Reinvestment Act (ARRA) Economic Development Recovery Zone Facility
Bonds for Pinnacle School**

Ord 11-02 amends Ord 10-18 which authorized issuance of up to \$2.1 million in American Recovery and Reinvestments Act (ARRA) Economic Development Recovery Zone Facility Bonds for the relocation and expansion of Pinnacle School. The school was unable to obtain financing before the program ended last year and is coming forward to request \$1.5 million in State tax exempt Economic Development Revenue Bonds. This request entailed returning to the Economic Development Commission for them to hold another hearing and adopt another resolution regarding the proposed changes.

Project

Pinnacle School (the De Paul Reading and Learning Association, Inc.) at 1502/1515 West Arlington Road, is now seeking \$1.5 million for a reduced and phased project. The savings will largely come from a smaller footprint for the main building, a reconfigured roof, and a reconfigured wall. They still estimate that the new campus will create 5 – 7 new full-time teacher positions and at least 3 part-time tutors. (Please see the attached modified site plan.)

Actions of the Economic Development Commission

The City's Economic Development Commission held another public hearing to review changes in the project and bonds and adopted EDC Res 11-02 which:

- Acknowledged its past actions and that Pinnacle had revised the scope of the project and was seeking \$1.5 million in Economic Development Revenue Bonds to finance it;
- Stated its desire to amend Res 10-08 to authorize all actions necessary to issue these bonds;
- Approved the issuance of City of Bloomington Economic Development Revenue Bonds, Series 2011 in the amount of \$1.5 million for the project;
- Ratified all previous actions;
- Approved the revised forms of the Bond Documents (which are available online and in the Council Office); and
- Authorized the Secretary to transmit its Report to the Plan Commission and Council.

Changes to the Ordinance

The changes to the ordinance:

- Acknowledge that the EDC met and passed Res 11-02 which amended Res 10-08;
- Change the amount and name (source) of the bonds;
- Provide for the bonds to be issued no later than 180 (as opposed to 90) days after adoption of the ordinance; and
- Ratify the actions taken in Ord 10-18 and affirm that the ordinance constitutes a binding contract between the City and bond purchasers (with the understanding that Pinnacle and not the City is obligated to pay the debt).

Please see the Council Legislative Packet for the [17 November 2010](#) meetings of the Council for the initial legislation, materials and summary.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, MARCH 02, 2011
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

- III. APPROVAL OF MINUTES FOR:** December 8, 2011 (Special Session)
December 15, 2011 (Regular Session)
January 19, 2011 (Regular Session)
February 16, 2011 (Regular 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. Resolution 11-04 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG)

Committee Recommendation: Do Pass 8 – 0 – 0

VII. LEGISLATION FOR FIRST READING

1. Ordinance 11-02 An Ordinance Amending Ordinance 10-18 Authorizing the City of Bloomington, Indiana to Issue Its Economic Development Revenue Bonds, Series 2011 (Bloomington Dyslexia Center, LLC Project) in the Principal Amount Not in Excess of One Million Five Hundred Thousand Dollars (\$1,500,000), and Approving and Authorizing Other Actions in Respect Thereto

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: Calendar for the Week of 28 February-05 March 2011

Monday, 28 February 2011

12:00 pm Bloomington Entertainment and Arts District Advisory Committee, McCloskey
4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Utilities Service Board, Board Room, 600 E Miller Dr
5:30 pm Bloomington Human Rights Commission, McCloskey

Tuesday, 01 March 2011

1:00 pm Presentation by Mia Birk, "Creating a Bike-Friendly City: Lessons from Portland," Council Chambers
1:00 pm Bloomington Multicultural Expo Planning Committee, Hooker Room
5:30 pm Board of Public Works, Council Chambers
5:30 pm Sister Cities International, Dunlap
7:30 pm Telecommunications Council, Council Chambers

Wednesday, 02 March 2011

12:00 noon Bloomington Urban Enterprise Association, McCloskey
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
5:30 pm *State of the City 2011* Address, Council Chambers
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 03 March 2011

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:15 pm Solid Waste Management District Citizens Advisory Committee, Education Room, 3400 S Walnut St
5:30 pm Commission on the Status of Women, McCloskey

Friday, 04 March 2011

12:00 noon Common Council Internal Work Session, Hooker Room

Saturday, 05 March 2011

9:30 am League of Women Voters Legislative Update, Council Chambers

Posted and Distributed: Friday, 25 February 2011



City of Bloomington
Office of the Common Council

MEETING NOTICE

Mayor Kruzan's *State of the City Address*

Members of the Bloomington Common Council have been invited to attend

Mayor Kruzan's *State of the City* address on
Wednesday, March 2, 2011 at 5:30 pm
in the Council Chambers of City Hall,
Showers Building, 401 North Morton.

A quorum of the Council are expected to be present and, therefore, this gathering will constitute a meeting of the Common Council under the Indiana Open Door Law. For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe and record what transpires.

Dated and Posted: Friday, February 25, 2011

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

www.bloomington.in.gov/council
council@bloomington.in.gov



City of Bloomington
Office of the Common Council

**Jack Hopkins Social Services Funding Committee - 2011
Notice of Meetings and Deadlines**

Action or Meeting	Date, Time, and Place
Council Office Holds Technical Assistance Meeting	Thursday, March 10, 2011, 4:00 p.m., Council Chambers (Rm 115, City Hall)
Agencies Submit Proposals (Deadline)	Monday, March 28, 2011 by 4:00 p.m., Council Office (Rm 110, City Hall) <i>(12:00 p.m. if done by email)</i>
Council Office Distributes Application Packet	Wednesday, April 13, 2011 <i>(in afternoon)</i>
* Committee Initially Discusses and Eliminates Some Applications	Monday, April 18, 2011 at 5:00 p.m., McCloskey Room (Rm 135, City Hall)
* Committee Hears Presentations	Thursday, April 28, 2011 at 5:00 p.m., Council Chambers (Rm 115, City Hall)
Committee Members Submit Rating of Applications	Wednesday, May 4, 2011 by Noon, Council Office (Rm 110, City Hall)
* Committee Discusses Funding Recommendations at a Pre-Allocation Meeting	Tuesday, May 10, 2011, at 5:00 p.m., Council Library (Rm 110, City Hall)
* Committee Makes Funding Recommendations	Monday, May 16, 2010, 5:00 p.m., Council Chambers (Rm 115, City Hall)
Agencies Complete the Funding Agreements	Tuesday, May 31, 2011, Council Office (Rm 110, City Hall)
* Committee Evaluates the Program	Wednesday, June 8, 2011, 6:00 p.m., Council Library (Rm 110, City Hall)
Council Office Distributes Legislative Packet	Friday, June 10, 2011 <i>(in afternoon)</i>
* Common Council Action on the Recommendations	Wednesday, June 15, 2011, 7:30 p.m., Council Chambers (Rm 115, City Hall)
HAND Holds Technical Assistance Meeting	Tuesday, June 21, 2011, 8:30 a.m., McCloskey Room (Rm 135, City Hall)

* *These are either meetings of the Committee or Common Council. The other listings are either Committee deadlines or staff meetings and actions.*

Dated and Posted: Friday, March 12, 2010

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

www.bloomington.in.gov/council
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ORDINANCE 11-02

AN ORDINANCE AMENDING ORDINANCE 10-18 AUTHORIZING THE CITY OF BLOOMINGTON, INDIANA TO ISSUE ITS ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2011 (BLOOMINGTON DYSLEXIA CENTER, LLC PROJECT) IN THE PRINCIPAL AMOUNT NOT IN EXCESS OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000), AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Common Council (“Council”) of the City of Bloomington, Indiana (“City”), on December 1, 2010, adopted Ordinance 10-18, entitled “An Ordinance authorizing the City of Bloomington, Indiana, to issue its Economic Development Recovery Zone Facility Revenue Bonds, Series 2010 (Bloomington Dyslexia Center LLC Project) 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” (the “2010 Bond Ordinance”), and

WHEREAS, the 2010 Bond Ordinance authorized the issuance by the City of “recovery zone facility bonds” pursuant to the provisions of Indiana Code 36-7-12 (the “Act”), and the American Recovery and Reinvestment Act of 2009 (“ARRA”); and

WHEREAS, ARRA expired in accordance with its terms on December 31, 2010, before the bonds authorized under the 2010 Bond Ordinance could be issued; and

WHEREAS, the City, under the Act, may authorize the issuance of economic development revenue bonds which may be issued without the authority granted under ARRA; and

WHEREAS, the City now desires to reauthorize the issuance of the bonds authorized in the 2010 Bond Ordinance pursuant to the provisions of the Act, and to amend the 2010 Bond Ordinance to authorize the issuance of such bonds for the benefit of Bloomington Dyslexia Center, LLC.;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Ordinance 10-18 is hereby amended in the following particulars:

A. The title of Ordinance 10-18 is amended by deleting the phrase “Recovery Zone Facility”, by changing the designation of the Series of Bonds from 2010 to 2011, and by reducing the principal amount of the Bonds from \$2,100,000 to \$1,500,000.

B. Whereas Clauses five and six are hereby deleted.

C. The seventh Whereas Clause is amended by deleting the phrase “Recovery Zone Facility” from the title of the Bonds, decreasing the authorized principal amount of the Bonds from \$2,100,000 to \$1,500,000, changing the Series designation of the Bonds from 2010 to 2011, and deleting the dated dates of the Indenture and the Loan Agreement.

D. The next to last Whereas clause is amended by deleting the words “a Resolution” and inserting therein the phrase “Resolution 10-8”.

E. A new Whereas clause is inserted as follows: “WHEREAS, the City of Bloomington Economic Development Commission, on February 25, 2011, conducted a public hearing in accordance with IC 36-7-12-24, and thereafter adopted a resolution amending Resolution 10-8 (the “Amending Resolution”)”, which Amending Resolution has been transmitted to this Council; and”.

F. The last Whereas Clause is amended by replacing the words “the final” with “revised”, by inserting the phrase “in the Amending Resolution” after the phrase “(“Financing Documents”)”, and by deleting the remainder of the clause.

G. Section 3 of the 2010 Bond Ordinance is amended by reducing the authorized amount of the Bonds from \$2,100,000 to \$1,500,000.

H. Section 5 of the 2010 Bond Ordinance is amended by replacing the third sentence with the following: "The Bonds shall be dated the date of closing of this transaction, such date to be no later than one hundred eighty (180) days from the date of adoption of this Ordinance, as amended".

SECTION 2. All other provisions of the 2010 Bond Ordinance are hereby ratified and confirmed as though set forth herein, and the provisions of the 2010 Bond Ordinance, as amended hereby, shall constitute a contract binding between the Issuer and the Bond Purchaser, and after the issuance of said Bonds, the 2010 Bond Ordinance, as amended hereby, shall not be repealed or amended in any respect which would adversely affect the right of any holder or holders of the Bonds so long as said Bonds or the interest thereon remains unpaid.

SECTION 3. This Ordinance amending Ordinance 10-18 shall be in full force and effect upon adoption and compliance with IC 36-4-6-14.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of March, 2011.

SUSAN SANDBERG, President
City of Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of March, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of March, 2011

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Regina Moore, Clerk of the City of Bloomington, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of City of Bloomington Ordinance 2011-02, passed by the Common Council on the _____ day of March, 2011, by a vote of _____ YEAS and _____ NAYS, which was signed by the Mayor of the City of Bloomington, Indiana, on the _____ day of March, 2011, and now remains on file and on record in my office.

WITNESS my hand and official seal of the City of Bloomington, Indiana, this _____ day of March, 2011.

[SEAL]

REGINA MOORE, Clerk
City of Bloomington, Indiana

Synopsis

This Ordinance amends Ordinance 10-18, adopted by the Council on December 1, 2010, and authorizes the issuance of up to \$1,500,000 in tax exempt Economic Development Revenue Bonds for the Pinnacle School Campus project at 1503/1505 West Arlington Road.

ORDINANCE 10-18
(As Amended by Ordinance 11-02)

**AUTHORIZING THE CITY OF BLOOMINGTON,
INDIANA TO ISSUE ITS ECONOMIC DEVELOPMENT
REVENUE BONDS, SERIES 2011 (“BLOOMINGTON
DYSLEXIA CENTER, LLC”) IN THE PRINCIPAL
AMOUNT NOT IN EXCESS OF ONE MILLION FIVE
HUNDRED THOUSAND DOLLARS (\$1,500,000), AND
APPROVING AND AUTHORIZING OTHER ACTIONS IN
RESPECT THERETO**

Materials In the Council Office
(Relating to Amendments Made by Ordinance 11-02)

*The Financing Documents are available in
substantially final form in the Clerk/Council Office
and can be viewed online below.*

These documents incorporate the amendments (in
both a “clean” and “strike-out” form and include the:

- Trust Indenture and Mortgage
(with Form of Bond as Exhibit A)
[Clean Version](#) / [Highlighted Version](#)

- Loan Agreement, Mortgage and Security
Agreement (with Promissory Note as Exhibit C)
[Clean Version](#) / [Highlighted Version](#)

**RESOLUTION 11-2 OF THE CITY OF BLOOMINGTON, INDIANA
ECONOMIC DEVELOPMENT COMMISSION AMENDING RESOLUTION 10-8**

WHEREAS, the City of Bloomington, Indiana Economic Development Commission (the "Commission"), has considered an economic development project consisting of improvements to a 6.3 acre campus located at 1503/1505 W. Arlington Road, Bloomington, Indiana, as more fully described in the attached Exhibit A ("the Project"), and has prepared and has submitted the report to the Plan Commission as required by IC 36-12-7-23; and

WHEREAS, on October 22, 2010, the Commission adopted Resolution 10-8, approving the issuance by the City of Bloomington (the "City") of Economic Development Recovery Zone Facility Bonds (the "Recovery Zone Bonds") in the maximum amount of \$2,100,000 and the lending of the proceeds thereof to Bloomington Dyslexia Center LLC, operating as the Pinnacle School (the "Company") for the purpose of financing the Project; and

WHEREAS, because of the expiration of certain provisions of the Internal Revenue Code of 1986, as amended (the "Code"), the Recovery Zone Bonds authorized under Resolution 10-8 could not be issued; and

WHEREAS, the Company has now revised the scope of the Project to reduce the overall costs, and has requested the City to issue Economic Development Revenue Bonds ("Revenue Bonds") under the provisions of IC 36-7-12 in the maximum amount of \$1,500,000 to finance the Project; and

WHEREAS, the Commission now desires to amend Resolution 10-8 in order to authorize all actions required by I.C. 36-7-12 (the "Act") to provide for the issuance and sale of the Revenue Bonds by the City; and

WHEREAS, a public hearing on the proposed Project and the financing thereof has been conducted on proper notice pursuant to IC 36-7-12-24.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bloomington Economic Development Commission, that Resolution 10-8 is hereby amended to state as follows:

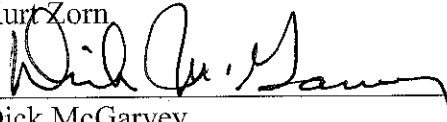
1. All findings of the Commission recited in Resolution 10-8 are hereby ratified and confirmed.
2. The issuance by the City of Bloomington, Indiana, of its Economic Development Revenue Bonds, Series 2011, in the amount not in excess of One Million Five Hundred Thousand Dollars (\$1,500,000), for the purposes set forth in the above clauses and in Resolution 10-8, be, and is hereby, approved.
3. That the revised forms of Bond, Note, Loan Agreement, and Trust Indenture, to be executed in connection with the financing, have been presented to the Commission, and are hereby approved.

4. That the Secretary of the Commission is hereby authorized and directed to transmit the Report to the Plan Commission pursuant to IC 36-7-12-23, and to transmit this Resolution to the Common Council of the City of Bloomington, Indiana, pursuant to I.C. 36-7-12-24.

ADOPTED this 25th day of February, 2011.

CITY OF BLOOMINGTON, INDIANA
ECONOMIC DEVELOPMENT COMMISSION

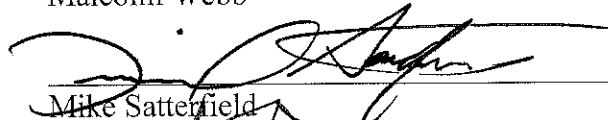
Kurt Zorn



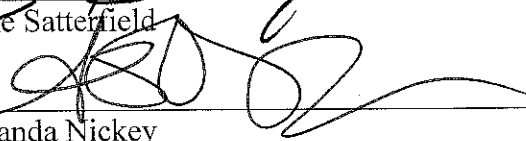
Dick McGarvey



Malcolm Webb



Mike Satterfield



Amanda Nickey

TO: Bloomington Economic Development Commission
FROM: Karl R. Sturbaum
DATE: February 23, 2010
RE: Pinnacle School Bonds

The Bond issue which was approved by the Economic Development Commission on October, 22, 2010 (Resolution 10-8) for the benefit of the Pinnacle School authorized the issuance of economic development revenue bonds under IC36-7-12 (the "Act"). Interest on the Bonds would have been exempt from income tax under Section 1400U of the Internal Revenue Code, which was added under the American Recovery and Reinvestment Act of 2009 (the "Stimulus Act"). Unfortunately, details of the financing could not be worked out with the potential investor before the expiration of the Stimulus Act on December 31, 2010.

Pinnacle is now requesting reauthorization of the Bonds in a smaller amount. The Bonds will still be economic development revenue bonds issued under the Act, and, from a state law perspective, are identical to the Bonds approved in Resolution 10-8. Because the Stimulus Act has expired, however, a different basis for the tax exemption must be found. The Bonds will therefore be issued as "qualified 501(c)(3) bonds" under Section 145 of the Internal Revenue Code. This section allows political subdivisions to issue tax-exempt bonds and loan the proceeds to entities which have been designated as 501(c)(3) organizations by the IRS. This basis for the tax exemption could have been used for the Bonds in October, but the Stimulus Act was less restrictive in its tax compliance requirements than Section 145 of the Code.

From the City's perspective, there is no difference between the Bonds previously authorized and those now requested, other than the name of the Bonds and the principal amount. They are still payable solely from the revenues of the School, and will never constitute a debt or other obligation of the City. From a purchaser's perspective, the Bonds will still be tax-exempt. The only difference will be in the tax analysis, and the steps the School must take to preserve the tax-exemption. However, even if the Bonds become taxable, there will be no impact on the City or its credit.

The Pinnacle School project is a proposed Gymnasium/Classroom/Office addition that will now measure 13,890 square feet to be located at 1503 W. Arlington Road. The gym is 6,800 square feet of this total. The current project cost estimate is \$1.22 million, plus professional design and permit fees. This revised plan includes all of the required site work (sewer, water, parking lot, landscaping). Cost efficiencies were obtained through removing several offices, storage space, and reducing the size of some common areas.

ORDINANCE 10-18

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AUTHORIZING THE CITY OF BLOOMINGTON, INDIANA TO ISSUE ITS ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2011 ("BLOOMINGTON DYSLEXIA CENTER, LLC") IN THE PRINCIPAL AMOUNT NOT IN EXCESS OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000), AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

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WHEREAS, Indiana Code, Title 36, Article 7, Chapter 12 (the "Act"), has been enacted by the General Assembly of Indiana; and

WHEREAS, the Act declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of economic development facilities, including real and personal property; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between the Issuer and a corporate trustee; and

WHEREAS, the City of Bloomington, Indiana (the "Issuer") intends to issue its Economic Development Revenue Bonds, Series 2011 ("Bloomington Dyslexia Center LLC Project") in the principal amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) (the "Bond") pursuant to a Trust Indenture and Mortgage (the "Indenture") between the Issuer, and a corporate trustee to be selected, in order to obtain funds to lend to the Company pursuant to the Loan Agreement (the "Loan Agreement") between the Issuer and the Company, (the "Loan Agreement"); and pursuant to a Purchase Agreement to be dated the date of closing among the Issuer, the Company and a financial institution or other entity purchasing the Bonds (the "Bond Purchaser"), (the "Purchase Agreement"); for the purpose of paying the costs of developing a 6.3 acre campus for the Pinnacle School, serving families with dyslexia and related learning differences (the "Project"); and;

Deleted: WHEREAS, the Board of Commissioners of Monroe County, Indiana, on October 9, 2009, adopted Resolution No. 2009-29, establishing all of Monroe County, Indiana as a "recovery zone" within the meaning of §1400 of the American Recovery and Reinvestment Act of 2009 (the "Stimulus Act"); and¶

WHEREAS, on July 16, 2010, the Board of County Commissioners adopted Resolution No. 2010-25 allocating \$2,100,000 of the County's allocation of recovery zone facility bonds to The Pinnacle School, through Bloomington Dyslexia Center LLC, an Indiana Limited Liability Company ("Company"), and The DePaul Reading and Learning Association, Inc., and Indiana not-for-profit corporation; and¶

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WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds and further provides for the Company's repayment obligation to be evidenced by the Company's Promissory Note (the "Note") in the principal amount equal to the principal amount of the Bonds; and

WHEREAS, pursuant to the Indenture, the Issuer will endorse the Note without recourse and assign to the Bond Purchaser certain of its rights under the Loan Agreement as security for the Bond which is payable solely and only out of the payments to be made by the Company with respect to the Note; and

WHEREAS, the City of Bloomington Economic Development Commission on October 22, 2010 adopted Resolution 10-8 which has been previously transmitted hereto, finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, The City of Bloomington Economic Development Commission, on February 25, 2011, conducted a public hearing in accordance with IC 36-7-12-24, and thereafter adopted a resolution amending Resolution 10-8 (the "Amending Resolution"), which Amending Resolution has been transmitted to this Council; and

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WHEREAS, the City of Bloomington Economic Development Commission has approved revised forms of the 1) Indenture; 2) Loan Agreement; 3) the Note; and 4) the form of the Bonds (hereinafter referred to collectively as the "(Financing Documents") in the Amending Resolution;

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NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

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SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project previously approved by the City of Bloomington Economic Development Commission now presented to this Common Council, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of completion of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents approved by the City of Bloomington Economic Development Commission are hereby approved, and all such documents shall be kept on file by the City Clerk. Two (2) copies of the Financing Documents are on file in the office of the City Clerk for public inspection. The Mayor of the City of Bloomington and the City Clerk, in consultation with the attorneys for the City, are hereby authorized to approve any revisions to the Financing Documents which may be necessary to effect the issuance of the Bond, and such approval shall be evidenced by the execution of such documents.

SECTION 3. The Issuer shall issue its Bonds in the principal amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) for the purpose of procuring funds to loan to the Company in order to complete the Project, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its Note in the principal amount equal to the principal amount of the Bonds which will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

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SECTION 4. The City Clerk is authorized and directed to sell such Bonds to the Bond Purchaser at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per-annum rate of interest as set forth in the Financing Documents.

SECTION 5. The Mayor and the Clerk of the City of Bloomington are authorized and directed to execute those Financing Documents approved herein which require their signatures and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The City Clerk is authorized to arrange for the delivery of the Bonds to the Bond Purchaser and to receive payment therefore in the manner set forth in the Financing Documents. The Bonds shall be dated the date of closing of this transaction, such date to be no later than one hundred eighty (180) days from the date of adoption by this Common Council of this Ordinance, as amended. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and by the execution of Bonds, approve changes therein and also in those Financing Documents which do not require their signatures without further approval of the Common Council or the City of Bloomington Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(11).

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SECTION 6. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the Bond Purchaser, and after the issuance of said Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of any holder or holders of the Bonds so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-4-6-14.

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PASSED AND ADOPTED

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The foregoing was passed by the Common Council this 1st day of December, 2010.

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ISABEL PIEDMONT-SMITH, President
City of Bloomington Common Council

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ATTEST:

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REGINA MOORE, Clerk
City of Bloomington

¶
REGINA MOORE, Clerk¶
City of Bloomington¶

¶

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of December, 2010

¶ PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2010.¶

REGINA MOORE, Clerk
City of Bloomington

¶

REGINA MOORE, Clerk¶
City of Bloomington¶

¶

SIGNED and APPROVED by me upon this 2nd day of December, 2010.

¶ SIGNED and APPROVED by me upon this _____ day of _____, 2010.¶

¶

MARK KRUZAN, Mayor
City of Bloomington

¶

MARK KRUZAN, Mayor¶
City of Bloomington¶

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Regina Moore, Clerk of the City of Bloomington, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Ordinance 10-18, passed by the Common Council on the 1st day of December, 2010, by a vote of 9 YEAS and 0 NAYS, which was signed by the Mayor of the City of Bloomington, Indiana, on the 2nd day of December, 2010, and now remains on file and on record in my office.

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____ WITNESS my hand and official seal of the City of Bloomington, Indiana, this 3rd day of December, 2010.

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[SEAL] REGINA MOORE, Clerk
City of Bloomington, Indiana

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Synopsis

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This ordinance authorizes the issuance of up to \$2.1 million in tax exempt, Economic Development Recovery Zone Facility bonds for the Pinnacle School campus project at 1503/1505 West Arlington Road.

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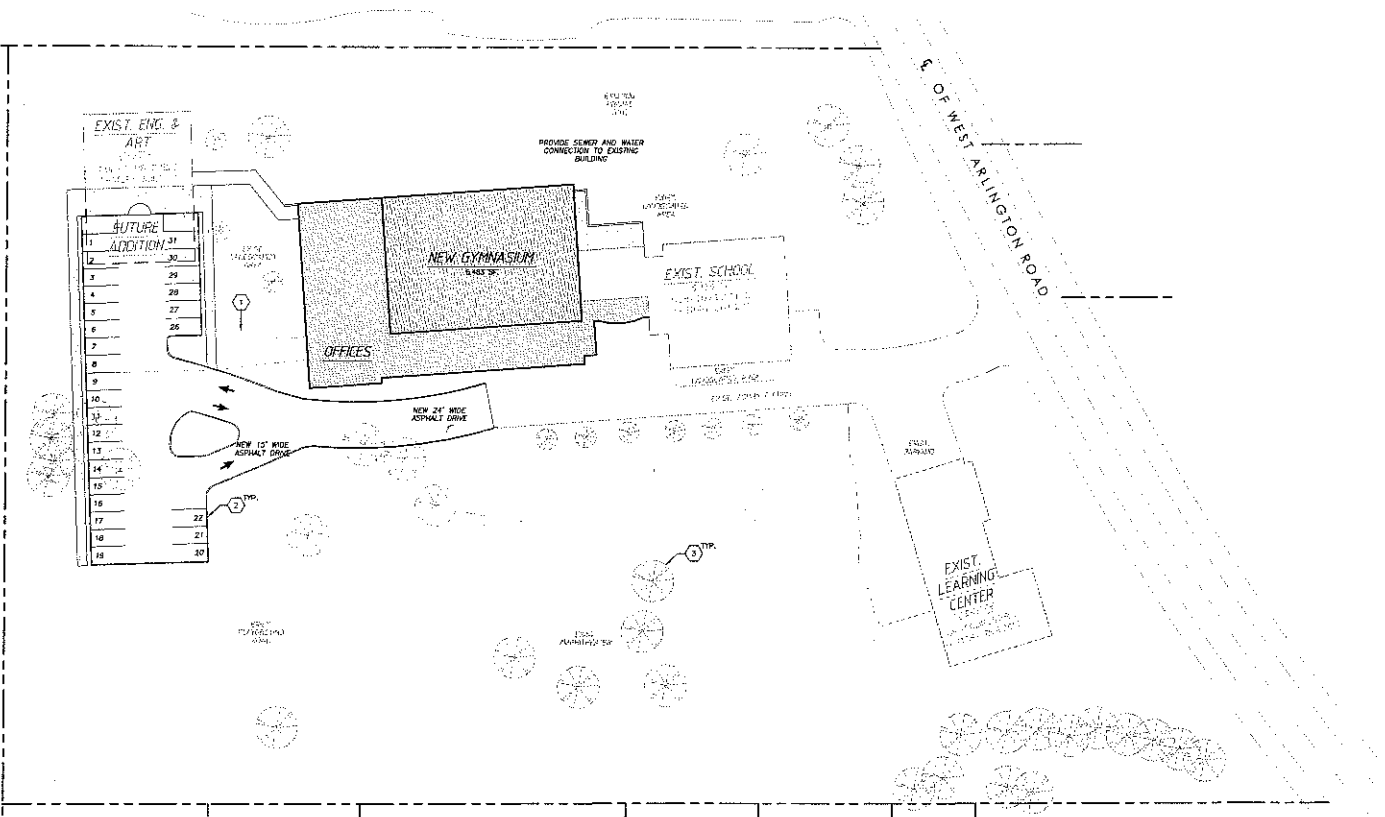
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Note: On December 1, 2010 this ordinance was amended to correct the date of action by the City's Economic Development Commission.

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1 SITE PLAN
1" = 30'

- SITE PLAN NOTES:**
- 1 EXIST. ASPHALT DRIVE TO BE REMOVED. PREPARE AREA FOR NEW CONSTRUCTION OF NEW LANDSCAPE AS SHOWN.
 - 2 RELOCATE EXIST. TREE TO AVAILABLE NORTH OR SOUTH PROPERTY LINE GREENSPACE.
 - 3 EXIST. TREE/LANDSCAPING TO REMAIN.
 - 4 NEW REINFORCED CONCRETE RETAINING WALL.
 - 5 NEW CONCRETE WALK, SLOPE & PROVIDE GRASS AS REQUIRED.
 - 6 NEW BUILDING SINGLE STORY MECHANICALS LOCATION.

PHASE ONE DATABLE:

SITE ZONING:	-
PROJECT AREA:	5 ACRES
GYMNASIUM AREA:	6,463 SQ. FT.
OFFICE AREA:	5,310 SQ. FT.
TOTAL BUILDING AREA:	9,780 SQ. FT.
PARKING SPACES:	31 SPACES
	8' X 18' SPA.

- SITE LAYOUT NOTES:**
- ALL DIMENSIONS SHOWN ARE MINIMUM.
 - ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF FRAMING (S.I.R.G.C.)
 - DOWNSPROUTS NEED TO CONNECT TO AN UNDERGROUND STORM WATER SYSTEM.

- NOTES TO SITE ENGINEERS:**
- LOCAL REGULATIONS MUST BE REVIEWED TO INSURE THAT ALL PLAN REQUIREMENTS ARE MET.
 - THE GEOTECHNICAL ENGINEER SHALL BE RESPONSIBLE FOR DESIGN OF THE "FOUNDATION SECTIONS." HOWEVER, THE DESIGNER SHALL BE RESPONSIBLE FOR SHOWING THE FOUNDATION DESIGN ON THE PLANS, INCLUDING DIFFERENTIATING BETWEEN STANDARD AND HEAVY DUTY FOUNDATION AREAS.
 - ALL APPLICABLE STATE (DOT) AND LOCAL (PUBLIC WORKS DEPARTMENT) CONSTRUCTION STANDARDS AND SPECIFICATIONS SHALL BE USED AS REQUIRED FOR SITE SPECIFIC ISSUES.
 - ALL CURB RACK ARE 2" UNLESS OTHERWISE NOTED.

- GENERAL NOTES:**
- ALL WORK IS TO BE DONE IN ACCORDANCE WITH ALL GOVERNING CODES AND REGULATING AGENCIES. THIS PROJECT IS DESIGNED AND DOCUMENTED PER THE ARCHITECT'S INTERPRETATION OF THE CODE REQUIREMENTS. VARIOUS GOVERNING AGENCIES SOMETIMES PREFER THE CODES, LAWS, AND ORDINANCES DIFFERENTIALLY. THESE AGENCIES MAKE CONTRIBUTION TO RESOLVE CHANGES IN DESIGN AND CONSTRUCTION INCLUDING THOSE AGENCIES INVOLVED WITH THE "AMERICANS WITH DISABILITIES ACT."
 - THE ARCHITECTURAL PLANS SHOWN HEREIN MAY NOT CORRESPOND TO PLANS FINALLY APPROVED BY THE ARCHITECT, OWNER, OR NECESSARY AGENCIES. IT IS THE RESPONSIBILITY OF THE PARTY OR PARTIES RELYING ON THESE PLANS TO VERIFY & CONFIRM SAID ARCHITECTURAL PRIOR TO CONSTRUCTION.
 - DO NOT SCALE DRAWINGS. DIMENSIONS SHALL PREVAIL. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS RELATED TO THE WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. IF CONTRACTOR FAILS TO VERIFY DIMENSIONS AS INDICATED, ANY AND ALL CORRECTIVE ACTIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
 - ALL INTERIOR DIMENSIONS ARE SHOWN STUD TO STUD AND DO NOT INCLUDE WALL THICKNES.
 - ALL DOOR OPENINGS SHALL BE LOCATED 4" FROM ADJOINING WALL UNLESS NOTED OTHERWISE.
 - FIELD VERIFY PLAN DIMENSIONS PRIOR TO ANY CASING/FRAM FABRICATION.
 - ALL NEW WALLS SHALL BE FINISHED TO MATCH EXISTING SURFACES INCLUDING PRIMER & PAINT.

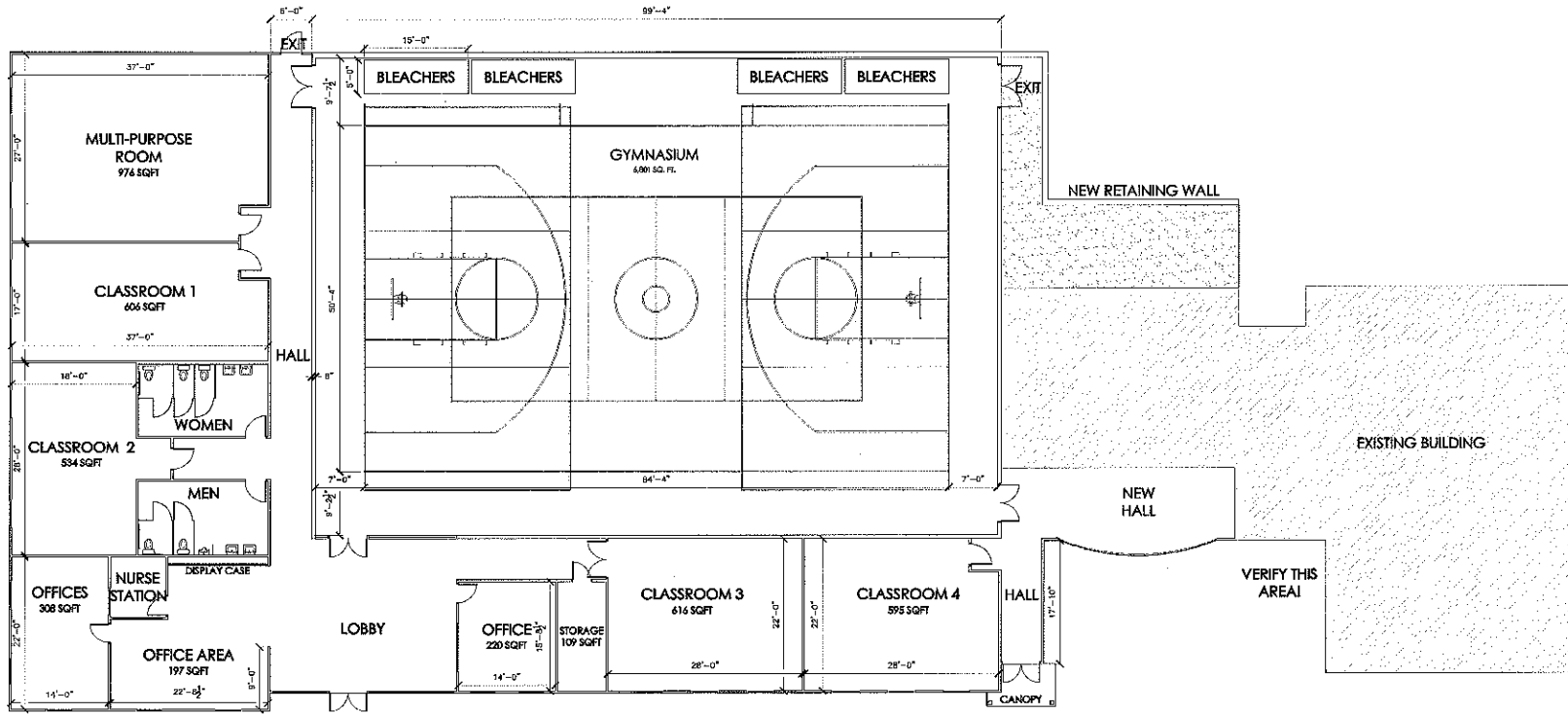


REVISIONS

A NEW ADDITION FOR:
PINNACLE SCHOOL
1503 WEST ARLINGTON ROAD
BLOOMINGTON, INDIANA 47404

PROJECT NO. 2008
DATE 12/29/10
DRAWN BY BRW/C
CHECKED BY G.B.M/C
SHEET NAME
ARCHITECTURAL SITE PLAN

SHEET NO.
AS101



BUILDING CODE:
 OTHANUSHEIM - ALL SPRINKLER RATED 112 STORES ALLOWED 3,200 SQ. FT. MAX
 SCHOOL - E (SPRINKLES IF SQ. FT. > 20,000) (2 STORES ALLOWED 14,800 SQ. FT. MAX)
 CONSTRUCTION TYPE BB (NON COMBUSTIBLE)

NOTES:
 - 84' X 60' COURT LAYOUT @ H.S. RULES
 - GYM SEATING: 9 ROWS @ 15' LONG ALLUM. BLEACHERS \$900 EACH
 - TYPICAL VOLLEBALL COURT 59' X 29'-6"

SQUARE FOOTAGE NOTES:
 CLASSROOM & OFFICE - 7,041 SQ. FT.
 GYM - 6,000 SQ. FT.
 TOTAL - 13,041 SQ. FT.

FIRST FLOOR PLAN

PINNACLE SCHOOL	MP-V
CONCEPTUAL	© 2011 TABOR BRUCE ARCHITECTURE & DESIGN 01/17/11



X:\PROJECTS\2010\COMMERCIAL\Trends School Construction\Phase 1\011811\1st floor Retaining CONCEPT_12011811.dwg (01/18/11 11:15:50 AM)

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

COMMON COUNCIL
Special SESSION
December 8, 2010

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: none

ROLL CALL

Council President Piedmont-Smith gave the Agenda Summation

AGENDA SUMMATION

It was moved and seconded that Appropriation Ordinance 10-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do Pass Recommendation of 8-0-1. It was moved and seconded that Appropriation Ordinance 10-05 be adopted.

LEGISLATION FOR SECOND READING

City Controller Mike Trexler noted that the ordinance approved \$120,000 in transfers between budget categories for various departments, approved the expenditure of \$362,000 that would be reimbursed from the State of Indiana, and would lastly approve \$128,000 in expenditures from reserve funds that were dedicated to the appropriate expenditure.

Appropriation Ordinance 10-05 To Specially Appropriate from the General Fund, Parking Enforcement Fund, Sanitation Fund, Telecom Fund, Fire Pension Fund, Risk Management Fund, and Bond Funds Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Parking Enforcement Fund, Sanitation Fund, and Telecom Fund for Animal Care & Control, Engineering, Police, Housing & Neighborhood Development, Community & Family Resources, City Council, Parking Enforcement, Sanitation, Street, Information & Technology Services; Appropriating Additional Funds from the Fire Pension Fund, Risk Management Fund, and Bond Funds)

He then explained the departmental budget line transfers that would be used for animal vaccines and medications, repair and parts for traffic counters, a police patrol car, fuel for code enforcement vehicles, education and outreach programs, docking station for a computer, additional nighttime enforcement in parking garages, desktop scanners, repair of a broken pay station in a garage, and fuel for sanitation trucks.

He noted that the Fire Pension Fund payouts for retirees of \$362,000 would be paid back from the State of Indiana. He noted that additional monies would be needed for worker's compensation and administration of the department. He said this category was originally under-budgeted, but was still under the 2009 budget. He said refunding of bonds had changed payment amounts and had not been incorporated in the original 2010 budget.

Trexler concluded by saying he counted on reversions at the end of the year that would, even with these additional appropriations, would bring the 2010 budget under the previous year's expenditures.

Piedmont-Smith asked about the worker's compensation fund. Trexler said that money was transferred into that fund at the beginning of each year for situations such as this, and that was what the fund was established for. Piedmont-Smith asked how each department was assessed for their share. Trexler said it was a flat amount per employee, and added that he'd have to verify that departments with a higher risk of injury would have an adjustment to that amount.

Volan thanked Trexler for answering questions from the previous committee meeting, and asked more about the parking enforcement fund. Their discussion - that the increase in the amount of money collected from meters was a result of the night time enforcement in the garages. Volan asked for the dates of employment and salary information for the two nighttime officers, and also for the amount of revenue collected that was directly attributable to the employment of these two officers. Trexler repeated his statement from the previous committee meeting that the amount was between \$115,000 and \$160,000.

Volan's comments noted that the email response to his questions came a little late for his full consideration. He also said he would like to see more detail in the information for which he asked.

Appropriation Ordinance 10-05
(cont'd)

Appropriation Ordinance 10-05 received a roll call vote of Ayes: 9, Nays: 0.

Council Attorney/Administrator Dan Sherman highlighted several occasions in the proposed council schedule for 2011 which would deviate from the normal first four Wednesday meeting routine.

COUNCIL SCHEDULE for 2011

Piedmont-Smith noted that the first meeting in January was an organizational one followed immediately by a committee of the whole meeting with no meeting the following week. She said that she liked this arrangement and wished that this pattern would be followed more often. She said this would allow more time to consider comments of the public and other council members, more time to do follow up research. She said it was something she would pursue in the next year.

Piedmont-Smith also noted that the Bloomington Municipal Code stated that any proposed legislation and background materials be filed in the council office two weeks before the first reading. She noted that the practice was for the documents to be filed ten days before first reading. She encouraged the council to look at this discrepancy and possibly revising the code.

It was moved and seconded that the proposed council schedule be adopted.

The motion to adopt the 2011 council schedule was approved by a roll call vote of Ayes: 8, Nays: 1 (Volan).

The meeting was adjourned at 8:02 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Isabel Piedmont-Smith PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, December 15, 2010 at 7:30 pm with Council President Isabel Piedmont-Smith presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 15, 2010

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

ROLL CALL

Council President Piedmont-Smith gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Tim Mayer noted that long time Fire Department employee Joyce Franklin was feted at a reception at the downtown fire station. He called her a sweet presence there and wished her the best in her retirement after 28 years of service.

REPORTS
COUNCIL MEMBERS

He also wished citizens Happy Holidays, and hoped that there would be peace and prosperity in the new year.

Chris Sturbaum wished folks a Merry Christmas and Happy Chanukah and said there was much work to be done to make the world a better place. He urged all citizens to work together to accomplish this.

Mike Satterfield said he had just witnessed a pedestrian on 10th Street near campus standing in the middle of the street, in the middle of the new pedestrian crosswalk, with no one stopping to let him cross. He noted these crosswalks were installed to make pedestrian crossing safer and urged motorists to watch for them and to let students cross for their safety.

Susan Sandberg thanked Hans Huffman for his service as Chair of the Community and Family Resources Commission. She said he recently resigned and the new chair was JoAnne Bunnage.

Dave Rollo prefaced his remarks by noting the need to support local merchants this season. He then gave a report on peak oil developments since the end of the work of the Peak Oil Task Force. He noted that members had continued working together and would be releasing a statement on December 16, 2010.

He noted that with the Peak Oil phenomenon, production would decline year after year which would have significant impacts on economy, transportation, trade, agriculture and other energy dependent activities.

He said that recent reports on the status of Peak Oil that have stated the phenomenon had occurred or was very close to occurring had recently come from a number of sources -- governmental, civilian and militaries, private sector, and academic reports. He also noted the surprising trend of reports issued by advisory organizations that have been a bit obtuse about recognizing Peak Oil.

Rollo noted that the German Military report, the *Bundeswehr* Report, cited Bloomington's Redefining Prosperity Report and actually reproduced its Vulnerabilities and Strategies summary in their report.

Citing another military report, he noted that the US Joint Forces Command issued their 2010 Operating Environment Report and warned of near term shortages of oil and the preparation for it.

Rollo noted the report from the International Energy Agency (IEA), a global entity supported by a consortium of countries interested in energy security, disclosed the fact that global production of conventional oil had peaked in 2006, while previously the agency had underplayed the risk of oil shortages. He said the IEA's World Energy

Outlook Report noted that the category of “crude oil fields yet to be developed or found” filled in for decreased oil production. Rollo said that in actuality, these new fields required time to develop and be brought on line, and that there were very few fields of significance being discovered.

Citing a governmental report, Rollo noted that data included in the Energy Information Agency Report from the Obama administration’s chief oil expert, Glen Sweetnam, indicated that conventional oil production would be falling off in 2012.

He said that private sector reports recently published included one from the insurance company, Lloyds of London, together with UK consultancy Chatham House. He said their report forecasted the consequences of not preparing for coming oil shortages and the vulnerabilities of Just-In-Time delivery of goods. The report made a plea for more resiliencies in that system.

Rollo noted that academic studies on Peak Oil included Oxford and Kuwait University reports that projected peak production of oil in 2014. He said that some of the scientists were formerly employed by the National Oil Company of Kuwait, a member of OPEC.

He cited local press reports on high oil prices through 2010, and noted that coming prices of \$100 per barrel present a difficult situation for world economies suffering under the global recession.

Rollo presented the main points of the group’s press release indicating that the lack of preparation for peak oil at the federal and state level should be reason for added urgency and effort at the local level. He concluded noting that the *Redefining Prosperity* report adopted by the council last year was published at <http://bloomington.in.gov/peakoil>.

Steve Volan gave a report on “College Driven Metros” in the southeast. He defined a College Driven Metro as a metropolitan area with 50,000 or more population, where 15% of the entire metro, not just of the town, is college students enrolled at a residential four-year university and where the largest employer is higher education. He had recently visited Athens, GA; Greenville, NC; Charlottesville, VA; Harrisonburg VA; Morgantown, WV; Athens, Ohio and Clemson, SC in his study of the impact of larger colleges on the towns and cities in which they are located. He said he was researching ways to compare these peer cities to Bloomington and to each other.

Volan showed slides of signs and infrastructure related to parking, pedestrian and transportation issues that he found. These included:

- A sign that noted “turning traffic yield to pedestrian” that might help make crosswalks safer.
- A sign that noted “City Maintenance Ends” that indicated the beginning of campus areas.
- A pedestrian mall in 8 downtown blocks of Charlottesville, Virginia, a hub of student and civic activity.
- A trolley for use between campus and other points in the downtown Charlotte area.
- A special sculpture that citizens used to express themselves with chalk and graffiti.
- A personal rapid transit used in Morgantown, West Virginia, that transported students and non-students on rail.

He concluded that he was on the right track with his research, and that there were things that we could learn from our peer cities.

President Piedmont-Smith noted that this would be the last meeting she would chair as President of the council. She used the opportunity to summarize the legislation that the council had passed during 2010. She said that the 15 ordinances, 13 resolutions, and 5 appropriation ordinances could be grouped into a few categories. She noted planning

issues were addressed in ordinances regarding Patterson Pointe, a revision of flood plain standards, and an application for rezoning.

She noted the economic development work which was accomplished by revising the Bloomington Investment Incentive Fund guidelines to encourage more pursuit of this funding, expansion of the downtown TIF, the extension of the Bloomington Urban Enterprise Association for an additional five year period and the approval of a BIIF loan for Feast Café.

She mentioned the traffic and transportation issues that were addressed throughout the year including the approval of funding for the Atwater/Henderson intersection improvements, traffic calming in the area of Southdowns and Mitchell Road, the creation of a Platinum Bike Task Force, and the passage of a traffic ordinance that changed several portions of the Bloomington Municipal Code Title 15.

She noted that several quality of life issues were discussed in the council meetings. They included a supporting resolution for the MCCSC funding referendum, the successful transfer of ownership and stewardship of the Waldron Arts Center and the approval of CDBG and JHSSF grants for a combined total of over \$1M.

She said that fiscal issues discussed this year were more than routine in nature, acknowledging the passage of the budget ordinance for the City, Utilities and the Transit system as well as bond refunding, issuance of bonds for the sewage treatment plants and the approval of two federal stimulus money bonds for local economic development, and the approval of a water rate increase.

She noted that the two issues that dealt with the Animal Control department were to allocate grant monies and to also implement fees for the use of the facilities for animals outside Monroe County.

She said it had been a busy year, that she enjoyed being president and looked forward to her continued work in the next year.

Lynn Schwartzberg, Chair of the Bloomington Community Arts Commission, joined by Peter Jacobi and Craig Widen, updated the council on their recent activities. They had reviewed grant applications for the Arts Project Grant Program and approved eight of twenty applications for \$5000. She highlighted projects that included those from the Bloomington Chamber Singers' free Messiah Sing, Bloomington Downtown Gallery Walk, the Bloomington Early Music Festival, Bloomington Playwrights Project, Bloomington Symphony Orchestra, Boys and Girls Club, Cardinal Stage Company, and the Southern Indiana Wind Ensemble.

Cynthia Schultz represented the Bloomington Commission on Sustainability and reported on the Sustainability Trends and Assessment Report (STAR), part of their charge under the commission's enabling legislation. She said it included the categories of employment, energy, food, housing and water. Highlighting some items, she reported that electrical usage was up from 2008 to 2009 overall. She noted while residential use rose, governmental and commercial use fell, but did note that there was a new category that made analysis more difficult. She said that Duke energy had reported that there were 26 interconnection agreements in Bloomington whereby those users would actually be selling energy back to the utility. This reflected 25% of all of Indiana interconnection agreements for both wind and solar, and up from 17 in 2008. She said that memberships in CSA's were up, and the number of homes receiving funding through HAND's programs had increased. She also noted that the amount of waste declined and the amount of recycling increased during this year which continued a six year trend in that area.

She noted that there were twelve recommendations in the 2008 report that were being worked on, and that the commission would continue to improve the reporting process. She thanked the council for funding the

COUNCIL MEMBERS Comments
(cont'd)

REPORTS FROM THE MAYOR
AND CITY OFFICES

position of Sustainability Coordinator and for their support in general.

Satterfield questioned the new category of user "other" for reporting purposes. Schultz said she didn't know enough about the make up of that category to comment at this point.

Mayer asked about research on energy usage from land lines to cell phone systems. Schultz said she would look into that energy use.

Volan asked about other categories of the report. Schultz said she had more of that information but selected just a few items to mention. She said the report would be on the Commission's website.

Lisa Abbott, Director of the Housing and Neighborhood Development Department, and Jacqui Bauer, Sustainability Director in the Economic and Sustainable Development Department gave a report on recent home energy audits conducted by the city SCCAP and the US Green Building Council. They explained the program, identified the methods used in the audits, discussed follow up with homeowners, and showed slides of the equipment and some results of the tests for heat loss. They noted that the *Redefining Prosperity* goal of having 5% (1000 – 1500 homes) of homes being retrofitted each year presented a challenge as there was much effort that went into processing the 57 homes from this round of audits. They outlined some ideas for meeting the goal using community resources.

Rollo said that this demonstrated ways that people could evaluate their energy loss and gave folks a perspective on putting more insulation in their homes. He said this would also help against fluctuations in prices of energy, especially natural gas. He said it was a unique opportunity offered by city government.

Volan asked how much these 57 audits cost. Abbott said she didn't have the information with her but could provide it, adding that the bulk of the expense was for staff time. Volan asked how much it would cost to meet the demand for audits, considering that over 200 folks called to inquire about the program. Abbott said it was a pilot project and would not be inexpensive to continue.

Sturbaum asked who was doing audits now. Abbot said that SCCAP was doing this, but only for folks who met income guidelines. She said others could meet the HAND guidelines, or could get referrals from the Bauer and her office. Bauer talked about moving towards the goal in incremental steps and noted some awareness issues that could be presented without a complete energy audit.

Regina DiLavore, Phaedra Pezzullo and Diane Henshel from the Environmental Commission gave a report entitled *Toxics Report for the City of Bloomington: Releases, Remediation, Inventory and Recommendations*. This report was requested by Ordinance 09-21 in order to examine chemical releases in the environment, chemicals remaining in the environment and an inventory of chemicals stored in Bloomington. DiLavore said that the data was currently being analyzed after being collected for several months. She noted current legislation in effect, the methodology for reviewing reports and documents, information on the Toxic Release Inventory in general and specific to Monroe County, and the local hazardous waste sites covered under the Superfund program. She also discussed the Voluntary Remediation Program approved by IDEM and said there were six sites in that program. She noted that an inventory of stored chemicals was taken each year, noted their locations and type. She also discussed types of Underground Storage Tanks and chemicals involved in their use. She concluded by saying that there have been historical releases of chemicals in Bloomington that have been addressed, but not fully resolved, that there was highly technical and difficult to understand information available from different sources and in different formats. The report also gave recommendations for additional research. DiLavore asked for feedback for further analysis of the data, and she

COUNCIL COMMITTEES

- Environmental Commission

invited the council members on a tour of PCB sites sometime in 2011. Sturbaum asked what was done about leaking underground storage tanks. DiLavore said that they were usually removed and the ground around them mediated.

Satterfield said the numbers were interesting. He asked about the sites of the underground storage tanks and asked about the size of them. DiLavore said her database showed the location of each tank in gas stations, Indiana University, motor pools, real estate offices, manufacturing facilities, and car dealerships. Pezzullo said that the data could be presented in a map format if the council felt that would be more useful to them and the public. Satterfield said he wanted to know more about residential areas and the locations of all tanks and their sizes.

Piedmont-Smith asked if the underground storage tank data included numbers of septic tanks. The question was answered, "no."

Rollo said the map idea was great. He asked if there was information regarding the dissemination of pollutants from the leaking tanks. Henshel said she wasn't aware of any study that tracked plumes.

Rollo asked Henshel about the Toxic Release Inventory. Henshel said the TRI only required reporting of 25,000 pounds of any chemical, not total chemicals. She said that in Bloomington proper, there were only two industries releasing that amount of any single chemical. Rollo asked Henshel her view of the data, and if the penalties were enabling corrections. She said under the last administration there wasn't a lot of follow up, and didn't know how the new administration was catching up with these tasks. Rollo said that local control over the local community was important to him and he wondered where Bloomington was on a scale of releases relative to other communities, state and national.

Volan asked when the final report would be ready. Pezzullo said that what was presented at the meeting was final data, but the Commission wanted to make sure that areas the council wanted covered, were indeed, covered. She said the situation with Bhopal was not just leakage but storage, and that the report presented had no information from Indiana University or Bloomington Hospital. She said the whole report could be held until that data was available or any other information that the council wanted. She said that additional research could be done and a final report could be ready in six months. Volan said since this was the first report, he would prefer that the report be issued as soon as possible with the statement that Pezzullo made included, what was included, what could be included, what the Commission recommend be included in the next report. He said he was humbled by this report adding that he didn't expect the detail of work presented and didn't anticipate that the Commission would take this much trouble preparing the report. He said the presentation was interesting and troubling. He said it was a remarkable work and was grateful. He asked if the report should be updated and at what intervals. Henshel said that annual updates would take a lot of time and priority. She said the next phase of the report would take from six months to a year to compile, and gave a suggestion of five year updates based on EPA-similar timelines. Volan repeated his suggestion from above.

Rollo thanked the Commission for their work on the public's behalf, adding that the Commission was not paid for their work. He said the information on toxics was very important.

Piedmont-Smith added her thanks, and said she was impressed by the report which she said was more than she expected. She welcomed

suggestions about what they, as legislators, should do with the information. She said she was surprised about some of the findings, and said the public need to know more about the location and content of the findings of toxics.

Volan asked if the Commission had found any other communities that had done reports such as this one. DiLavore said her initial search in January of 2010 did not uncover any such reports, and that the Commission created the outline and areas for study. Volan said, like the Redefining Prosperity Report, this seemed to be a groundbreaking report. He asked for a set of data that any community like Bloomington might readily gather so that communities could be compared. Henshel noted state processes and data formatting are different. She also asked Volan to determine the boundary for study – city or complete county, and she also asked for a list of comparable metropolitan areas. Volan said data was probably more available in county form, but deferred to the council. A discussion ensued on the benefits of including health data PCB information. Volan and Piedmont-Smith noted that PCB reports could be referred to in the report, but did not need to be included per se. Satterfield asked the Commission to consider that health information might be a study itself. Piedmont-Smith said her main concern was stopping the release of chemicals. Pezzullo noted concern about how the public would receive this information, and asked the council to give feedback about how the information should be presented outside policy making conversations.

Kay Bull spoke about the prospect of Interstate 69 coming through our community and asked why the state of Indiana was threatening Bloomington to get what it wanted.

PUBLIC INPUT

Marc Haggerty spoke about PCB's in our community with the historical context of the incinerator discussion and said he welcomed the council's re-entry into this issue. He also spoke of his experiences in travel in Mexico and how it was a failed state with much poverty and drug problems and noted that this was the area to which highway 69 would be leading.

It was moved and seconded that Carrie Albright and Rob McCrea be appointed to the Environmental Commission. The appointments were approved by a voice vote.

BOARD AND COMMISSION
APPOINTMENTS

It was moved and seconded that Ordinance 10-20 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-1.

LEGISLATION FOR SECOND
READING

It was moved and seconded that Ordinance 10-20 be adopted.

Linda Thompson, Senior Environmental Planner and Flood Plain Administrator, presented the requirements of the ordinance.

Ordinance 10-20 To Amend Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance" (Amendments to the Floodplain Standards [20.05.048] and Definitions [20.11.020] Sections to be Consistent with Federal Requirements)

She noted the ordinance changed the effective date of the FEMA Flood Plain Insurance Rate Maps. She noted that the Department of Natural Resources mandated the inclusion of enforcement of structures partially in the flood plain. She noted that the council had asked in the committee meeting about the number of structures (not necessarily businesses or homes) this would include. She noted that 54 structures would now have to obtain flood plain insurance and follow flood plain regulations. She noted that this was actually eight fewer structures than in the previous map boundary.

Wisler asked how this change was required. Thompson said that the Department of Homeland Security FEMA had made this change. He asked the consequence for not adopting these changes locally.

Ordinance 10-20 (cont'd)

Thompson said that if the updated maps and the flood plain study were not adopted the city would be suspended from the Flood Plain Insurance Program. She said that this would mean that structures in the flood plain would not be eligible for FEMA backed insurance. He asked the direct impact for the owners of the structures. Thompson said that they would be required by their mortgage companies to purchase flood plain insurance if they didn't already have it.

Tom Micuda, Director of Planning, said that this information was aggregated from all the flood plains in the jurisdiction of the maps. He said the number of structures was down from 62 to 54. Wisler asked if as a result of adopting these maps some property owners would be required to purchase insurance, and if not adopting them meant that the current property owners that are required to have flood insurance might lose coverage or wouldn't be able to have FEMA backed insurance. Thompson said that was correct. He asked if the city didn't qualify for that program, those in the jurisdiction would no longer be able to get FEMA backed insurance. Thompson said that was correct.

Micuda said that the city was not able to make local regulations less restrictive than higher levels of government.

Volan asked if these 54 buildings that were in existence in 1991 were now newly required to get flood insurance, or if they didn't exist then. Thompson said that some properties may have already had flood insurance, but now all would be able to get FEMA backed insurance. He clarified that these properties would be protected.

Micuda said the department did not do a building by building comparison of the two jurisdictional maps. He said that they did not inventory which properties fell in or fell out as a result of this change.

Satterfield clarified that Thompson used the 1991 boundaries and then the 2010 boundaries and counted structures that straddled the boundary lines.

Wisler noted that this was legislation that had an actual impact on local citizens, and hoped that these citizens would be informed that this change came from the federal government, not local government. He said it was confusing and could be interpreted as the city council forcing another regulation on someone. He said that he hoped the property owners in question would be provided with the details of the change, and the benefits of the program. He thanked Micuda and Thompson for indulging his line of questioning to make that position clear.

Ordinance 10-20 received a roll call vote of Ayes: 8, Nays: 0.

There was no legislation for introduction at this last meeting of the year. FIRST READINGS

There were no additional public comments at this meeting. PUBLIC INPUT

The meeting was adjourned at 9:58 pm. ADJOURNMENT

APPROVE:

ATTEST:

Isabel Piedmont-Smith PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, January 19, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 19, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler (arr. 7:40)
Absent: none.

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

Isabel Piedmont-Smith noted the recent Dr. Martin Luther King, Jr. Birthday celebration of the past Monday. She said that because his words had moved so many at the time (and since that time) to engage in the fight for social justice, she would read a section of his speech given at the Riverside Church in April of 1967, just a year before he was assassinated. She said his words were relevant today, over 40 years later as we pursue a better society in Bloomington and throughout the country.

REPORTS:
COUNCILMEMBERS

She also made the statement that she would not be filing for a second term on the council.

Tim Mayer thanked the Street, Utilities and Sanitation departments for the work they do in the extreme cold. He also extended his thanks to the police and fire personnel who do their jobs in bad weather.

Dave Rollo noted the passing of Bob Bent, a professor emeritus of Physics, who continued teaching after his actual retirement, and was one of the first council appointments to the Bloomington Commission on Sustainability. He said he was grateful for Bent's expertise, especially in the early days of the Commission's work.

Chris Sturbaum talked about the need for civility in politics, and the need to 'agree to disagree' with respect and love for each other in this next year. He said we all take turns being right and wrong on a matter and we need to work against anger and distrust in council work. He said he would practice this and hopefully learn some things that he might not know otherwise. He asked that the council and country do that too, in the spirit of working together.

Andy Ruff thanked Isabel Piedmont-Smith for her service as a council member. He said he appreciated working with her as she brought forward many important initiatives and that she would be sorely missed on the council. He also hinted that she had a little while to change her mind on this issue.

He added his thanks to her for reading the Dr. Martin Luther King, Jr., speech segment. He said that MLK's message in terms of economic equality and larger message of non-violence in terms of aggression around the world, his stance against the Vietnam war and his own government's purveyance of violence was sometimes overlooked and not taught in schools.

Susan Sandberg also thanked Piedmont-Smith for her service and reminded everyone that she still had a year to serve on the council. She said her leadership and service was much appreciated.

Sandberg said that civility and public discourse was much on the mind of the country due to the recent incident in Arizona at a Congress on the Corner event in Tucson. She said that in the wake of the King celebrations, we should think of how to move the country forward in a

positive direction, not the least of which was mental health care and issues surrounding it. She noted the recent discussion about this with the visit of author and watchdog Wendell Potter and the showing of "Sicko" this month. She said we all would work together to keep Bloomington the place we want to live.

There were no reports in this category at this meeting.

It was moved and seconded to accept a Conflict of Interest Statement filed by Council Attorney/Administrator Dan Sherman with regards to a sidewalk that was considered by this committee, which was adjacent to his property. The motion was approved by a voice vote.

It was moved and seconded to adopt the 2011 Sidewalk Committee Report. The motion was approved by a roll call vote of Ayes: 9, Nays: 0

Sherman gave an overview of the Sidewalk Committee members and their expertise and other pertinent background data that included amounts and sources of funding. He said that Controller Trexler relayed to the Committee that the alternative transportation fund included the \$225,000 to be used by this committee, and also an additional \$540,000 to be used for the maintenance of other sidewalk and bicycle related projects which would not be included in the Committee's purview. He noted that the \$225,000 consisted of the \$15,000 set aside for traffic calming projects. He said he anticipated a request from the Prospect Hill neighborhood relating to this. He noted that there was \$210,000 available for sidewalk projects to be added to that amount to create the total.

He added that the East Third Street sidewalk, the Committee's highest priority for a number of years, had other city funds dedicated to its construction as well as the funds allocated by the Sidewalk Committee.

Sherman reviewed the proposed projects, giving a number of details of their particular areas, issues related to the different sites and then noted six program criteria.

Sherman gave the funding recommendations of the committee and funds related to each project as:

- Third Street Sections 1-4, Bryan to Hillsdale for \$129,811 (supplemented with \$175,000 from the 2010 Greenways budget and neighborhood capital improvement funds in the HAND budget)
- Southdowns, Jordan to Mitchell for \$50,662
- Morningside for \$13,929
- West 17th Street for \$15,638

Sandberg asked for council questions for Sherman.

Volan asked when the bus stop was moved in relation to the Morningside Drive sidewalk, and if it might be moved again. He also asked if that was the only reason the sidewalk was being proposed. Sherman said he didn't know exactly when it had been moved. He said this was a feeder street to a number of neighborhoods right off of Smith Road with no sidewalks. He said residents, and families with strollers had to use the street in this area to walk, and that was the reason for the proposal there.

Volan asked if the district representative knew anything more about the situation.

MAYOR and CITY OFFICES

COUNCIL COMMITTEES

- 2011 Sidewalk Committee Report

Satterfield said that the area had a lot of pedestrian and autos. He said it was also around a curve and up a hill with shrubbery causing a blind area. He said it was a safety concern as well as one of the bus stop relocation.

Volan said that if the committee and the district representative believed that the bus stop relocation wasn't the only or primary reason for proposing a sidewalk in this area, it was fine with him.

Volan also asked where the rest of the funds would be obtained for the West 17th Street project since the committee proposed \$15,000 and the project cost was \$25,000.

Sherman said these were estimates with a 10% overage built in, and that it was likely that there would be money left over from other projects.

There were no comments on the Sidewalk Report from the public.

Rollo thanked the committee on behalf of the residents in Council District 4 for their support of the Marilyn Street project with its cost overrun. He said it had been in the queue and was an important connector for the pedestrian and alternative transportation corridor that extended all the way from Clarizz Boulevard, through Bryan Park and eventually to the B-Line. He added it was important for storm water control for residents in the area also. He also thanked them for supporting the missing link on Southdowns, adding that it would provide better stormwater control in that area also.

Sturbaum said there were sidewalk needs all over town, and that they were more than the committee could fix. He said the committee focused on where the greatest use would be. He said the formulas were based on where people lived and walked. He said simply that the paths worn by people walking were to be paved, such as Third Street.

Satterfield, who served as chair of the committee, thanked the committee members for their support on all the projects, particularly Third Street and Morningside. He also thanked Sherman for giving the report.

Mayer echoed the thanks regarding the Third Street project, adding that there were people continually walking in the street in that area due to lack of the sidewalk.

Rollo noted that there was a ranking score and filter that the committee used, and that he wanted the public to know that the proposals were not the result of a random process of picking from a lot of requests. He noted that the low ranking for the south side of Moores Pike near College Mall Road was related to what he called an oversight in the design of the intersection, making it impossible for folks to walk to Renwick. He said that the remedy for retrofitting this was now more expensive than if the area had been designed for pedestrians. He said he wished there was more money for this committee.

It was moved and seconded to adopt the Sidewalk report for 2011. The motion received a roll call vote of Ayes: 9, Nays: 0

- Vote on Sidewalk Report.

Mayer gave a report on the recommendations of the Physical Improvements subcommittee of the CDBG Grants. He noted the amount allocated was approximately \$600,000 and noted that the recommendations were forwarded to the mayor. He read a list of the applicants and project areas, adding that none received a recommendation for their full request.

- Mayer – CDBG Physical Improvements

Mayer noted Utilities Service Board meetings would be on Mondays in 2011. He said the USB had approved modifications to industrial treatment permits for manufacturers in the community which set up a protocol for identifying chemicals used in plants, and what can and can't be discharged and how. He said that the board also approved modifications to sewer usage with regard to discharges from restaurants in respect to fats, oils and greases (FOGs).

- Mayer – USB

Sandberg reported that CDBG Social Services subcommittee had also recently met and made recommendations to the mayor. She said that specific information would be forthcoming.

- Sandberg – CDBG Social Services

In light of this meeting being the first of the new year, Sandberg reviewed the rules for public comment at council meetings. She said the public was welcome to contact the council in any number of ways besides speaking during this portion of the meeting.

PUBLIC INPUT

Hal Turner, the Bloomington District Office Manager for Congressman Todd Young, noted the office in Suite 114 of Showers Plaza was now open. He welcomed constituents to come with any problems related to federal agencies with which they dealt.

Daniel McMullin thanked the council for the time to speak. He apologized to the city, Public Works Board and Ms. Sandberg for abruptly and mistakenly interrupting a meeting the night before. He said he honestly thought that the Council Chamber was called the McCloskey Room. He said he was sorry, but felt that the law shouldn't have been called on him adding that his action was misjudged and that the response was misguided. He said the anvil of truth and the hammer of non-violence as espoused by Gandhi and Martin Luther King should be employed.

He noted his main issue was the council rules for public comment and added that citizens should be given more opportunities to speak, more time to speak, and he would petition the council for a rule change on their policy for public comment. He asked that the council accept this petition.

Isabel Piedmont-Smith noted for the record, and to clear up any misunderstanding, that the public could speak during the meeting for any item on the agenda AND speak at one of the two public comment periods for any item not on the agenda.

It was moved and seconded that the following persons be reappointed to the boards or commissions indicated below. The reappointments were approved by a roll call vote of Ayes: 9, Nays: 0.

BOARD AND COMMISSION APPOINTMENTS

Sarah DeLone	Animal Control
Gayle Stuebe	Bike and Pedestrian Safety Commission
Mike Gavin	Bike and Pedestrian Safety Commission
Alain Barker	Bloomington Community Arts Commission
Scott Jones	Bloomington Community Arts Commission
Lynn Schwartzberg	Bloomington Community Arts Commission
Jack Kahn	Commission on Aging
Alice Oestreich	Commission on Aging
Raquel Anderson	Commission on Hispanic and Latino Affairs
Patricia Marvin	Commission on Hispanic and Latino Affairs
Gregory Tournier	Commission on the Status of Black Males
Cathi Crabtree	Commission on the Status of Women
Andy Davis	Commission on Sustainability
Susie Hamilton	Housing Quality Appeals Board
Barbara Fuqua	Martin Luther King, Jr. Birthday Commission
Mary Tournier	Martin Luther King, Jr. Birthday Commission
Mike Szakaly	Redevelopment Commission
David Walter	Redevelopment Commission
Mike Avila	Traffic Commission

It was moved and seconded that Resolution 11-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 6-0-2.

It was moved and seconded that Resolution 09-11 be adopted.

Danise Alano Martin, Director of the Department of Economic and Sustainable Development, summarized the new general standards proposed for the tax abatement program which she said had not been revised for seventeen years. She noted the revisions were based on economic and sustainable development philosophy of both the mayor and council. She noted the intent of this incentive program was to enhance the quality of life in the city.

She said the resolution would codify a requirement of Memorandum of Understanding which would specify compliance terms and clawback provisions. She added that the grounds for non-compliance would be clarified better, and would include new evaluative criteria in addition to the basic requirements of job creation or capital investment. She said that predictability with fluidity was important to the process, and was reflected in the new guidelines.

She noted that affordable housing, value added productivity, clawbacks and compliance issues had been raised by the council in the committee meeting. She said that the Chamber of Commerce Advocacy committee had identified connectivity, transportation and targeting clusters for job creation. She said that projects that included the above provided a public benefit.

She said ideas for the future might include gathering specific employment data or environmental impact data for tax abatement applications and implementing an application fee as allowed by state law. She said she would like to have discussions about the application fee, and its use, if implemented.

Piedmont-Smith asked for clarification of how the designation of an Economic Revitalization Area and the approval of an actual project worked together. Alano Martin said that approval of the ERA, as defined by state law, was the first step in the process and was followed by the approval of the application. Piedmont-Smith said that the use of both processes would find that development on a property was difficult for physical or economic reasons, and that the project would provide good paying jobs and investment.

Ruff noted that he appreciated Alano Martin's follow up work with the council staff, especially the information from Portage, Indiana, policies. He asked about the application fee allowed by the state, and why Alano Martin wanted to take time to examine, but not implement this. Alano Martin said she was intrigued by the fee and what might be done with the funds, but noted that there was concern that the fee might scare an applicant and might result in average projects instead of excellent projects. She said that discussion and input needed to be gathered on the topic.

Ruff noted that the city of Portage directed the fees into an economic development fund and asked what other uses were allowed by state statute. Alano Martin said that Portage used the fund for various agencies besides city economic development.

Ruff asked how the determination would be made about the impact of an application fee on the development of projects. Alano Martin said by looking at Portage, the types of projects they get, their utilization rate, and with the Economic Development Commission and other boards and commissions that dealt with economic development input.

Volan asked if 'undesirable or impossible for normal development' were the only words that guided the designation of an ERA. She read again the state code wording, adding that this was not a new policy. Volan

LEGISLATION FOR SECOND READING

Resolution 11-01 To Approve "The City of Bloomington Tax Abatement Program General Standards" Which Amends and Supersedes All Former Versions of the City's Tax Abatement Program Criteria and Procedures

said that he had wanted to verify that the wording and guidelines existed.

Rollo said he was pleased by the criteria chosen particularly by 'research and development of alternative energy production or other methods to build community resilience in a volatile energy market.' He asked if the Economic and Sustainable Development Department was prepared to put effort and capital into exploring this economic sector.

Alano Martin specifically mentioned the helpful work of Stacy Jane Rhoads. She noted that she was definitely interested in this, as well as the BEDC, SCCAP, Work One, and county council which have all been approached as to how to jump-start green jobs in this community as well as in the energy sector. She said that the department was assessing what companies were working in the area now and working to build an inventory of strengths and how it could be used. Rollo asked her to bring periodic reports to the council on that issue. Alano Martin said she would.

Sturbaum asked Alano Martin to restate the affordable housing component. She said that the general standards defined affordable housing as residential development with a recorded restriction that would require the housing to be rented or owned by qualified low or very low income households for a certain number of years. She added that the goal was to diversify the city's housing through workforce housing, high technology park housing, senior's housing in the downtown or along the B-line and accessible housing.

Piedmont-Smith asked if clawback provisions were specifically in the guidelines or if the guidelines allowed the option to be placed into the Memorandum of Understanding. Alano Martin said that it was the practice to look at this issue as either a termination of the incentive or an actual claw back of benefits. She said that for each project the provision might be different, but would have specific potential clawbacks and compliance requirements.

Ruff asked for clarification on Alano Martin's position on clawbacks. He asked if this would be clear in the Memorandum of Understanding, and if that would be all needed under state code to progress with any clawback efforts without the Portage clawback language. Alano Martin, noting she was not an attorney, said that Margie Rice, Corporation Counsel, had stated that a Memorandum of Agreement would be a contract, and under applicable laws, it could be enforced. She said both the recipient and the City would sign the contract.

Ruff asked about language supplementing the statement of benefits form for tax abatement applicants with questions on information on any pending legislation with federal agencies (National Labor Relations Board or OSHA) or specific information on major shareholders. She said it was the EDC and Staff's responsibility to get the information for the council to make their decision. She said that the current Memorandum of Understanding included language that the applicant would adhere to applicable state and federal laws. Ruff asked if she thought it would be appropriate to add a statement that required the applicant to disclose any pending litigation with any state or federal agency. Alano Martin said that it would be simple to do, and that the applications they had from other communities included this requirement. She reiterated that it was her department's responsibility to bring forth all pertinent information to the council.

Ruff asked if Alano Martin had thought about a statement from Mr. Moore during the committee hearing regarding using the tax abatement policy to help ensure better shared productivity gains within a firm. He asked if the current proposal had the potential to be flexible in including

this information. Alano Martin said that specific types of projects were targeted that would provide a public good which would enhance that quality of life in Bloomington and diversify the economic base. She said the general standards were also open to other projects and didn't presume to know all the ways that businesses could provide public good. She said this incentive was built into by the flexibility of the project.

Piedmont-Smith said that Portage recommended but didn't require the hiring of a local work force. She asked Alano Martin if those requirements or recommendations were discussed at the EDC or staff level. Alano Martin said that the EDC didn't see that as a needed requirement, but considered it to be a public good. She said it was something to strive for. Piedmont-Smith noted that the CF1 form could be supplemented with a report on local residents hired, and asked if Alano Martin would consider adding that to the reporting process. Alano Martin said yes, and that each project would have its own set of compliance requirements. She said her department would be tracking and monitoring the proposed promised benefits and could add that information to the list.

Sandberg asked Alano Martin to discuss her annual tax abatement reports with particular interest to the non-compliance of the recipients over time. Alano Martin said that the work of the economic development community was to retain new business as well as attract them with financial incentives. She said either market conditions or voluntary rescission were the main reasons for terminating tax abatements. She gave an example of an historic property being bought by a not-for-profit, and not subject to taxing as one recent example. She added that another company had shifted their goals away from growth and asked that their abatement be rescinded. Sandberg noted that Bloomington hadn't experienced a company taking advantage of a tax abatement only to leave when the benefit period was over. Alano Martin agreed, but said that was not a reason to not include clawback language, saying it was safeguarding the public good while hoping for the best.

Ruff noted that the council had hearings on tax abatements where there had not been a representative of the firm in question. He noted that the Portage code required that presence, and asked Alano Martin to address this as a requirement to the current proposal on the table. She said that while the EDC made proposals on behalf of the applicant, she agreed that a representative should be present to answer council questions. She said it had been a matter of the city's practice and would continue to be, but that it didn't need to be codified. Ruff said in some instances it seemed, without someone from the company, that the Economic Development Department was the applicant's representative.

Satterfield asked Alano Martin if she advised applicants that it was in their best interest to be present at the council hearings. Alano Martin said they were presented with the proposed schedule and application procedures. She said that through her department's process the expectation was that the representative would appear at the hearings.

Public Comment:

Larry Jacobs, Chamber of Commerce Government Relations Manager for City Issues, said that there was always a risk factor in business ventures, expansion, or moving. He said that the proposed document was clearly defined in program, procedures, and expectations with the Memorandum of Understanding. He said the city had always dealt with the applicants in a respectful manner, and had very few if any failures. He asked for approval of this resolution.

Ruff commented that in the past, tax abatements had been controversial. He said he preferred to think of this as discussion and careful scrutiny that was part of the council's job. He said that sometimes this examination was construed as anti-business, but he said it was being responsible stewards of the city's resources. He said it was a tool that affected the economy of Bloomington and surrounding areas. He said the department, administration and EDC had done a good job with the revision of the guidelines. He said the way it incorporated performance factors regarding the environment, sustainability, quality of jobs, and living wage was significant progress over the old document.

He encouraged staff to look at the allowable 15% fee assessment to be added to a fund for encouragement of other economic development, adding that the firms Bloomington would attract would actually see this contribution as a benefit to the community. He also encouraged the staff to look at the clawback that would extend five years beyond the abatement as Portage languages set out. He noted, however, that he predicted increased localization and less flight risk as transportation costs increased due to energy cost increases.

He noted that he would like to have more of the requirements actually spelled out rather than leave it to the department's sense of responsibility to gather all the information needed for consideration.

He said that local hiring should hold more importance in the evaluation of the abatement application. He said that encouraging strong efforts of local hiring was important, both to Bloomington and surrounding communities, in strengthening and diversifying local economic opportunities.

He concluded by saying that he understood the concept of market factors being beyond the control of the tax abatement recipient, but would like to hear the same thing if a firm was wildly successful as well as unsuccessful. In fact, he said, perhaps the council might find that in the former case, the tax abatement would not be needed and could be paid back to the community. He said that the fact that this wasn't likely to happen was another example of the socialization of loss, and the privatization of gains. He reiterated that the statement should not be taken as anything but wishing every company would prosper and do well. He said this proposal was a significant step in making the tax abatement guidelines more "Bloomington" than ever before. He expressed his gratitude to those who helped form the proposal.

Rollo said that tax abatements were a useful tool, and that despite criticism, the city had done very well, including the addition of living wage criteria. He said that this proposal broadened the vision and made the policy much better. He said that since in the last two years Bloomington was ranked by Forbes as one of the best small places for businesses and careers he didn't hear the claim that Bloomington was unfriendly to businesses. He said that he did hear that tax abatements shifted taxes to other tax payers. He said that it was judicious to screen applications for the public good and enhancement of the community's economic health.

He said the former comments were in response to the fact that the document had room for expansion, and that the policy should take into consideration the increase of localization and rise in energy costs. He said that communities should now look at how to retain and grow wealth locally by examining economic leakage and creating substitutes for imports. He gave the example of local food production.

He said he was happy to hear that the Economic and Sustainable Development Department would be sending a representative to the Business Alliance for a Local Living Economy Conference. He said he'd love to hear back on what they find there. He added that with this proposal Bloomington was ahead of many communities. He thanked Alano Martin and the staff for their work.

Resolution 11-01 (cont'd)

Piedmont-Smith said she agreed with Ruff who said that the responsibility for collecting information had been left to staff rather than the applicant. She added that the specific criterion that must be met before a tax abatement was granted was not specifically set out. She said she understood the need for flexibility.

She noted that the resolution stated that tax abatements 'aid in achieving the Administration's vision....' and noted that this was, in effect, the current city administration which may or may not continue into the future. She added that the values of the administration was shared by the majority of council members at this point, and they shared the desire to hold recipients responsible for meeting the benefits promised to the community, and shared the value and goals espoused but the Peak Oil Task Force Report, mentioned more specifically in the guidelines.

She said she appreciated the update, but advised council members and EDC members to keep in mind that these goals must be kept in mind if there be a change in administration and/or a change in staff.

Sturbaum noted that this program had been successful over the years, despite a few that didn't go quite as the city might like. He said it was a very successful program. He said the revision and expansion of the concept of public good was proper to do before the process got broken. He thanked Alano Martin for the good work and indicated his support.

Mayer thanked staff and the EDC for their work. He said it was a long time coming and well worth the work.

Sandberg read from the Bloomington Forecast by Dr. Timothy Slaper, Director of Economic Analysis from the Indiana Business Research Center, Kelly School of Business:

During the great recession the Bloomington Metropolitan Statistical Area suffered considerably less than just about every other city or region in Indiana. In 2009 and 2010 Bloomington's peers would be justified in being a tad jealous. In the coming year the prospects for the Bloomington area are almost optimistic compared to the rest of Indiana and the Midwest.

She added that this was meaningful because of the work of the council and city administration.

Resolution 09-11 received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST READING

There was no public comment at this meeting.

PUBLIC INPUT

The meeting was adjourned at 9:35 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, February 16, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 16, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: None

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of January 5, 2011 and February 9, 2011 were approved by a voice vote.

APPROVAL OF MINUTES

Dave Rollo noted with what he called sadness and disappointment the discriminatory constitutional amendment that was passed in the Indiana Statehouse that day that banned same sex marriage and civil unions. He said he would rather think that we lived in a society where age, gender, race, sexual orientation and religion, the things that constitute the human diversity, would be accepted. He said that this action would write discrimination into the state's constitution. He thanked Representative Matt Pierce for voting against the amendment who noted that at one time interracial marriages were banned, and asked on what side of history this would stand. Rollo added that this was the wrong side of history.

REPORTS:
COUNCILMEMBERS

Chris Sturbaum noted the proposed cuts to the Community Development Block Grant funding that had been proposed for the 2011 budget saying that this was tax dollars sent back to the community to use for poor relief. He said that Section 8 housing waiting lines indicated the needs, and that the cuts were taking that away. He said those who trim budgets and tighten belts should keep the less fortunate in mind. He said this was the wrong direction, asked people to speak up and vote accordingly.

Andy Ruff noted the untimely death of a lifetime Bloomington resident, Jigme Norbu, who was killed in Florida that week. He said Norbu was, at the time, involved in activism concerning issues of his family's homeland, Tibet. Ruff said that the family was Bloomington through and through, that he had gone to school with the brothers, and pointed out that Norbu's father was the brother of the Dalai Lama. He said Norbu was a lifelong resident, a businessman in the community, and contributed in a lot of ways and that this was a sad occurrence.

Isabel Piedmont-Smith stated that the Indiana General Assembly was doing a terrible job representing Hoosiers throughout the state. She then talked about several bills that were being considered that would defund unions, dis-empower unions, defunding of low cost health care, enshrining discrimination in the state constitution with the marriage discrimination amendment, encourage and actually mandate racial profiling for law enforcement officers, and outlaw any minimum living wage legislation done on the local level. She noted, too, that these bills were sponsored by people who said they were focusing on job creation. She asked how any of these pieces of legislation would create more jobs.

Steve Volan, seeing so many people in the council chambers, said he would talk about the podium at which they would address the council. He said that public comment periods were valued by council members, and said he wished more people would avail themselves of the opportunity to tell council of their concerns about the city. He said that

a person speaking at the podium often brought their own issues to the council that was later considered as legislation. He invited anyone to contact him to find out about these important matters.

Mike Satterfield, noting that February was Black History Month, took the opportunity to read a passage from the "Narrative of the Life of Frederick Douglass" Chapter 6 which told of his master's forbidding his wife to teach Douglass reading.

From that moment, I understood the pathway from slavery to freedom. It was just what I wanted, and I got it at a time when I the least expected it. Whilst I was saddened by the thought of losing the aid of my kind mistress, I was gladdened by the invaluable instruction which, by the merest accident, I had gained from my master. Though conscious of the difficulty of learning without a teacher, I set out with high hope, and a fixed purpose, at whatever cost of trouble, to learn how to read. The very decided manner with which he spoke, and strove to impress his wife with the evil consequences of giving me instruction, served to convince me that he was deeply sensible of the truths he was uttering. It gave me the best assurance that I might rely with the utmost confidence on the results which, he said, would flow from teaching me to read. What he most dreaded, that I most desired.

Satterfield said to keep in mind that learning to read and write was the key to breaking the bonds of ignorance and asked how people would know what their government was doing if they could not read. He then asked citizens to get involved with government, noting that the filing deadline to run for office was that Friday at noon.

Susan Sandberg read the following statement:

A number of constituent concerns have been pouring in this week regarding proposed cuts to the federal Community Services Block Grant program. In response, tonight I would like to appeal to the community to let us know what you think about these cuts. As many of you are aware, the US House of Representatives has proposed a 60% reduction in funding for the 2011 fiscal year. This will have consequences for our community. If you provide a service to low-income members of this community, and if you are in jeopardy of losing your funding due to the proposals for funding reductions in the 2011 budget, if you are about to close a program that provides immediate relief to those in need or provides longer-term services to those in chronically fragile conditions, we want to hear from you. We also want to hear from other people in the community who will be affected by these cuts.

In yesterday's H-T (Tuesday, February 15) we saw the headlines, "SCCAP programs to help poor on federal chopping block". As a long-time supporter of the South Central Community Action Program, I was quoted in that article expressing my grave concerns about this and a number of harms that will follow if there are immediate cuts to the current 2011 budget. Three years ago, this Council, through the Jack Hopkins Social Services funding, provided seed money for an anti-poverty program called the Circles Initiative. The program was brought forward by progressive leadership of the South Central Community Action Program and aims at nothing less than effecting long-lasting, community-wide social change to help people escape poverty. And it's working! The City's investment in the Circles program was made in good faith with City resources set aside for the support of local anti-poverty programs. If federal funds are no longer available to SCCAP, this program is in serious jeopardy.

So, good citizens of Bloomington...decisions are being made in Washington D.C., but the negative impacts of those decisions are very real and very immediate to our community. The pain does trickle down from the Hill, and Bloomington citizens are about to get hurt. I sincerely believe this City Council has an obligation to sound the alarm, and make sure this community and our good citizens are made aware of the intended and unintended consequence of this pending congressional action to cut funding to vital social services programs. A cut to vital social services will harm some of our community's most vulnerable residents. In a Safe and Civil Bloomington, that diminishes us all.

Tonight, I only speak for myself in my own voice as a community activist and current President of this Council. I hope more voices will be joining me in the coming weeks as we hear from more local agencies and service providers who will be forced to cut programs and services because of reductions to the Community Services Block Grants.

Following the H-T article yesterday, I have heard from a number of other agencies and service providers who raised additional concerns about what we may be about to lose in this community as a result of congressional decisions. I ask you to share your thoughts with us and with each other. Make a citizen comment during our public comment segments in tonight's meeting and others coming up this month and next. Email or call your City Council representative individually. Email us collectively at council@bloomington.in.gov. Contact the office of Representative Todd Young. Tell him what you think...and share with us what you know. Your feedback is critical, and we want to hear from you. Thank you for listening, and thank you in advance for your community action.

Beverly Calendar Anderson, Safe and Civil City Program Director, said that nominations were currently being accepted for the 2011 Mayor's Award for Excellence in Civic Engagement. She outlined the purpose of the award, and named past recipients of the award along with guidelines for submitting nominations for both individuals and groups.

MAYOR and CITY OFFICES

Juan Carlos Carrasquel, Chair of the Commission on Latino and Hispanic Affairs, gave a report on its activities of the past year and their plans for their work in 2011. He thanked the council and mayor for their support of the commission, noting that it was not usual for cities the size of Bloomington to have such a body. He acknowledged the work of the commission members and Melissa Britton, the staff liaison. He said the main work of the Commission last year had been focused on searching for funding for one person to be trained as a professional interpreter in order to do the same training locally, and then working to get agencies to accept the concept of professional interpreters. He said they created awards to honor individuals and organizations that made significant contributions to the Latino community. He said that the Commission was following the immigration issue and that their stand was that the country needed comprehensive and extensive immigration reform, without stepping on human and civil rights. He thanked the council for their stand on the Arizona legislation.

He said that the plans for the next year would be continuing their interpreter project, creating an internet portal with Latino issues and resources for the community, collecting data on immigration and the Latino population, recognition of award recipients, and providing more information through the website.

Rollo asked about raising the profile of the Commission. Carrasquel noted that the Latino and Hispanic folks were very familiar with the Commission and its work but more people should know about it, too.

Volan asked about the interpreter training. Carrasquel said they learned how to adequately and ethically interpret with care paid to the way the parties are addressed, impartiality, and things involving the interpreting of a message. The cost of training the initial interpreter was paid for by \$2500 donated by Rotary, Rotary Foundation and the Commission on the Status of Women. He said now local people can be trained with \$150 which included books and classes. He also said that the training was not specifically about one language, but the ethics of interpretation work and that they could facilitate the training of people who would like to interpret other languages.

There were no council committee reports at this meeting.

COUNCIL COMMITTEES

President Sandberg read the council rules for speakers.

PUBLIC INPUT

Todd Lare, Executive Director of the South Central Community Action Program, said that President Obama, in his State of the Union Speech, said that community action was the only domestic program that he was okay with cutting. Lare called this action unwise, ill advised, and that he had said that he would not 'cut services on the back of the most vulnerable citizens.' Lare noted that the Community Development Block Grant budget for 2012 was proposed by the President to be cut by 50% with the other half put into a national competitive process. He said that this money was used for subsidizing affordable 17 housing units, back to school supplies and clothing for thousands of children, supported earned income tax credit locally, promoted the 211 service, funded the Monroe County Circles Initiative, funded the soon to be launched Bank On Bloomington, provided food and fresh dairy products to Hoosier Hills Food Bank, frozen meals for seniors, bus tickets for those who needed them, vouchers for Farmer's Market, funding for

Stepping Stones, job training, winter clothes for kids, shoes for children, publication of the Safety Net. It also provided bridges out of poverty training in our four county region, funding outlying outreach offices, provided case management service, Head Start programs, funding for administration of assistance for trash stickers and the city's water program.

He added that the congress had proposed a continuing resolution that would take effect on March 5, 2011 that would essentially zero out funding for the remaining part of the year. He said this would be 40% of the allocation for this year, and the loss of \$184,000 to SCAAP. He asked supporters in the chambers to stand, and about 75 people stood in support of his statement.

Lisa Abbot, Director of the Housing and Neighborhood Development Department, said she was present to stand in solidarity with the department's community partners with the proposed funding cuts.

Jo Anne Weddle, co chair of the Guiding Coalition of Circles, spoke in support of that initiative. She said she was more than shocked to learn of proposed funding cuts, and that Circles was a unique program that helps to break the cycle of poverty and make real changes in lives. She said this takes time, mentoring, support and learning, with financial backing. She said the Coalition was asking the council to take a firm stand against these proposed cuts, as it would be a gigantic gash that would be impossible to close. She asked that the council write a letter to Washington as the well being of many citizens was at stake.

Tracy Hodge said she was a Circle's leader and was working her way out of poverty, and said the program had made a real difference in her life and in empowering people who don't always have a voice. She explained that with her paired community 'allies' she was working to overcome her poverty situation. She said new Circles leaders are excited to begin the program because they've seen the difference that the program has made in the life of others, but without funding the program would cease to exist. She encouraged the council to let Washington know that these proposed cuts would take away from those who need the help the most.

Daniel McMullen spoke about the importance of speaking to governmental officials about their priorities in spending tax dollars, and about freedom while being civil. He talked about the importance of family strength and education for the future.

Alice Voigt spoke about her experience as a Circle Ally, and said that the program generated many volunteer hours and filtered into other areas of the community. She said the loss of this program would affect more than just those immediate recipients of programming.

Megan Hutchison spoke as an advocate for the South Central Community Action Program giving some of her experience as a volunteer in their weatherization program. She encouraged the council to contact Washington about the impact of SCCAP on the community.

Bet Savich, Director of the Bloomington Volunteer Network, noted that a number of students present were from Eigenmann Hall. She said they had worked with the Adopt-A-NonProfit program and paired with the SCCAP Circles Initiative where they gave support in the way of programming for the leaders' children. She also encouraged the council to write a strong statement on behalf of the need for strong staff and structure for these programs and against what she called the appalling cut in funding.

Penny Caudill, Administrator of the Monroe County Health Department, said Title X funds were also in jeopardy with funding cuts. She said that the Futures Family Planning Clinic services were based on a sliding scale, and was the sole recipient of the Title X funds in the area. She said 85% of clients were at 100% or below poverty level. She added that all the statements made at the meeting regarded the 'safety net' for low income citizens. She called the funding cuts short sighted. Rollo noted that well over 100 people were present in the council chambers to speak about or support those speaking about the proposed federal budget cut that would affect social services.

It was moved and seconded that Meredith Dowling be appointed to the Environmental Commission. The appointment was approved by a voice vote.

It was moved and seconded that Gregg Miller be reappointed to the Community and Family Resources Commission. The reappointment was approved by a voice vote.

It was moved and seconded that Resolution 11-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 9-0-0.

It was moved and seconded that Resolution 11-03 be adopted.

Daniel Grundmann, Director of Human Resources, explained the agreement briefly, noting the discussion held at the previous committee meeting. He noted that BPD officers Marty Deckard and Randy Gehlhausen were both present.

Grundmann noted highlights of the agreement mentioning salary increases in the contract over four years, an increase in buy-back rates for vacation days, change in bereavement leave policy, increases in overtime pay in the last two years of the contract, increases in certification pay, and other changes.

There were no questions from council members.

A call for public comment brought Gabe Rivera to the podium. He discussed the police department's budget in light of other local, state, national and international events.

Piedmont-Smith noted for the record that Controller Mike Trexler had sent her some clarifications with regard to the contract. She said she wanted to make sure that the Terms and Conditions were reasonable in respect to the Utilities payment to the city. She said that Trexler had also explained that the payment was stipulated in the contract because Utilities payments and County Option Income Tax payments were the largest portions of the city's income. She said she believed the contract was fair for the police and the city and was glad that raises for law enforcement personnel could be included.

Rollo thanked Grundmann for sending him information requested on this issue.

Sandberg said the council appreciated all the work done for the negotiations. She said this was a reasonable agreement.

Resolution 11-03 received a roll call vote of Ayes: 9, Nays: 0.

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Resolution 11-03 To Authorize and Approve the Execution of a Collective Bargaining Agreement Between the City of Bloomington and the Fraternal Order of Police

It was moved and seconded that Ordinance 11-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that Ordinance 11-01 be adopted.

Daniel Grundmann, Director of Human Resources, noted this was an amendment to the salary ordinance that dealt with the police and fire salaries. He also clarified that COIT and Utilities payments referred to in the contract agreement were the biggest payments to the city outside of property taxes.

Ruff asked how long the payments from Utilities for services had been part of the contract agreement. Grundmann said he knew it had been done for at least 14 years. He said that the clause had not been used to his knowledge, but gave the city the right to renegotiate if the city fell on hard times.

Sturbaum thanked the ‘men and women in blue’ for the times they risked their lives for the community.

Ordinance 11-01 received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation for introduction at this meeting.

It was moved and seconded that a Special Session be held after the Committee of the Whole meeting scheduled for February 23, 2011.

The motion was approved by a roll call vote of Ayes: 9, Nays: 0.

Public comment: Gabe Rivera noted the passing of David Grubb who he said practiced freedom of speech. He sang (with his own guitar accompaniment) his original score “I’ve Been Down This Road”

Marty Deckard, BPD Detective and lead negotiator, thanked BPD officers and the negotiating team for their support. He especially thanked Mayor Kruzan for his direction to the negotiating team to continue to work after the previous contract expired in December of 2010. He said that action was important for continued negotiations. He thanked the council for supporting the Police Department and said that in the previous 24 hours, four officers in the nation had lost their lives in the line of duty. He said that in January the nation had lost more police officers than soldiers in Afghanistan. He noted that officers risked their lives for people they didn’t know, and that twice last year our officers pulled people out of burning cars.

The meeting was adjourned at 9:05 pm.

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

Ordinance 11-01 To Amend
Ordinance 10-09 Which Fixed the
Salaries of Officers of the Police and
Fire Departments for the City of
Bloomington, Indiana, for the Year
2011 - Re: Reflecting Collective
Bargaining Agreement Affecting
Positions in the Police Department

LEGISLATION FOR FIRST
READING

MOTION TO HOLD SPECIAL
SESSION ON February 23, 2011

PUBLIC INPUT

ADJOURNMENT