



City of Bloomington Common Council

Legislative Packet

Regular Session

02 July 2008

*Please consult the [Legislative Packet](#) issued in interest of the 18 June 2008
Regular 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:

- **UDO Workshop** on Monday, June 31st at 5:30 p.m. in the Hooker Room

Legislation for Final Action:

- **Ord 08-10** To Amend Title 18 of the Bloomington Municipal Code Entitled "Fire Prevention" (To Repeal and Re-Enact Said Title)
Contact: Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov
- *Amendments Expected*

For legislation and background material regarding this item, please consult the [Legislative Packet](#) issued in interest of the 18 June 2008 Regular Session.

Legislation and Background Material for First Reading:

None

Minutes from Regular Session:

- March 5, 2008
- March 19, 2008

Memo

One Item Ready for Final Action and None Ready for Introduction at the Regular Session on July 2nd

Ord 08-10 (Repealing and Re-enacting Title 19 – Fire Prevention Code) is the sole piece of legislation on the agenda for Wednesday night. The ordinance, summary and background material can be found in the *18 June 2008 [Legislative Packet](#)*.

Please note that amendments to the above legislation are expected and include those that:

- Allow fires in the metal patio dishes made and sold for that purpose;
- Provide a graduated fine for over occupancy violations which distinguishes minor and major violations; and
- Make some minor corrections.

Please let Dan know if you have other amendments in mind so that they can be drafted and distributed before next Wednesday's meeting.

July Schedule

Please remember that the July Departmental Budget Hearings are coming up and are currently scheduled to start at 6:00 p.m. each evening from Monday, July 21st through Thursday, July 24th. Please also note that there are five Wednesdays in July – which means we can have budget hearings *and* a separate Wednesday for the Committee of the Whole during the second legislative cycle of the month.

Have a Safe and Happy Fourth of July Holiday!

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, JULY 02, 2008
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

- III. APPROVAL OF MINUTES FOR:** March 5, 2008 (Regular Session)
 March 19, 2008 (Regular Session)

IV. REPORTS FROM:

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 08-10 To Amend Title 18 of the Bloomington Municipal Code Entitled “Fire Prevention” (To Repeal and Re-Enact Said Title)

Committee Recommendation: Do Pass 7 – 0 – 2

VII. LEGISLATION FOR FIRST READING

None

- VIII. PRIVILEGE OF THE FLOOR** (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURNMENT



**City of Bloomington
Office of the Common Council**

To: Council Members
From: Council Office
Re: Calendar for the Week of June 30-July 5, 2008

Monday, June 30, 2008

12:00 pm Bloomington Entertainment and Arts District Advisory Committee, McCloskey
5:30 pm Plan Commission Work Session – Members of the Plan Commission and Common Council discuss proposed changes to the Unified Development Ordinance, Hooker Room

Tuesday, July 1, 2008

4:00 pm Bloomington Community Farmers' Market, Madison St., Between 6th & 7th Streets
5:00 pm Solid Waste Management District Citizens' Advisory Council, Hooker Room
7:30 pm Telecommunications Council, Council Chambers

Wednesday, July 2, 2008

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
4:00 pm B-Line Art Selection Committee, McCloskey
5:30 pm Commission on Hispanic and Latino Affairs, Hooker Room
5:30 pm *Bryan Park Creek Naturalization Maintenance* – Volunteers are needed to assist in this upkeep process, which includes controlling for invasive species and ensuring native plant success, Bryan Park, 1001 S. Henderson St.
7:30 pm Common Council Regular Session, Council Chambers

Thursday, July 3, 2008

11:30 am Solid Waste Management District, Monroe County Courthouse, Judge Nat U. Hill, III Room
4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey
7:00 pm Peak Oil Task Force, McCloskey

Friday, July 4, 2008

City Holiday: Independence Day – Offices Closed.

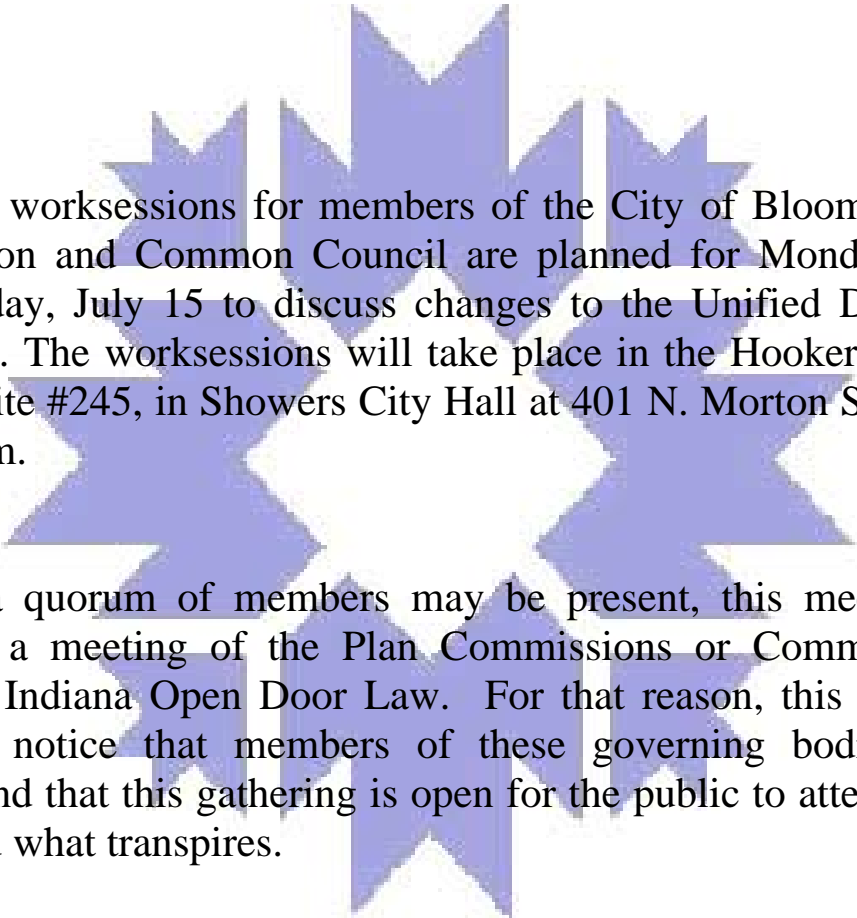
Saturday, July 5, 2008

8:00 am Bloomington Community Farmers' Market, Showers Common, Showers Building, 401 N. Morton
10:00 am *4th of July Parade* – Route runs down College Avenue and up Walnut Street between 10th and 5th Streets, Monroe County Courthouse, 100 W. Fifth St.

Posted and Distributed: Friday, June 27, 2008

City of Bloomington

MEETING NOTICE



Two joint worksessions for members of the City of Bloomington Plan Commission and Common Council are planned for Monday, June 30 and Tuesday, July 15 to discuss changes to the Unified Development Ordinance. The worksessions will take place in the Hooker Conference Room, Suite #245, in Showers City Hall at 401 N. Morton St. from 5:30 to 8:00 p.m.

Because a quorum of members may be present, this meeting would constitute a meeting of the Plan Commissions or Common Council under the Indiana Open Door Law. For that reason, this statement is providing notice that members of these governing bodies may be meeting and that this gathering is open for the public to attend, observe, and record what transpires.

In the Council Chambers of the Showers City Hall on Wednesday, March 5, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 5, 2008

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of December 5, 2007 were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer thanked the street department for their work during the winter with particular challenges with ice, rain and snow. He noted that the freezing and thawing had them out filling holes in the streets. He also thanked Utility workers who were working on the Washington Street project in the inclement weather.

REPORTS:
COUNCILMEMBERS

He thanked Jillian Kinzie, Chair of the Commission on the Status of Women, for her chairmanship of the commission and the work of the commission to host the annual Women's History Month Lunch that had taken place earlier that day.

Mike Satterfield noted the statewide tornado siren test that occurred that day. He said that it was the result of hundreds of volunteers who stood out near the siren locations to make sure that each siren worked and thanked them for their effort.

He referred to a recent "Hotline" column that answered questions about emergency systems alerts. He said that FCC required all video providers to provide an interrupt for national weather service emergency alerts. State regulations require video providers to maintain channels for transmitting local alerts. He noted that regional providers, such as ATT *U-verse* believe that the federal rule to be adequate in not requiring them to provide local alerts to impending inclement weather and other safety issues. He noted that local telecommunications councils no longer had the authority to negotiate with cable and such providers and that concerns must be addressed to state legislators.

Satterfield noted that the local channels that carry government meetings may be combined with other such channels and would be controlled by a menu system where a viewer would actually have to select the government meeting to watch rather than surfing the channels and finding those familiar faces.

Chris Sturbaum said he didn't like the fact that there was no more local control over contracts with video providers.

Dave Rollo reported that the Peak Oil Task Force would begin meeting next week and will have a report for the city by year's end. He also reported that the day's price of a barrel of oil was \$104.52, adding that when he first joined the council in 2003, the price was just about \$30 for a barrel. He said that anything manufactured or fueled by oil would affect our local prices, and lamented that the federal and state governments and the media had not done enough to educate citizens about this coming crises. He added in the future we would look back on today's price as a bargain.

Brad Wisler said he had recently attended the Blue Ridge neighborhood association. He noted that the discussion was centered on restrictions in city code that would prohibit them from making updates to their

covenants. He said that council members have an obligation to make sure that citizens understand the impact of legislation passed by the council.

Wisler recent plans for the State Road 46 upgrade were delivered last week and it would take time to digest the report. He said the plans were started in 1990, and needed more local input. He said that on an initial glance he had found some things that were problematic to him.

Isabel Piedmont thanked everyone involved in the planning of the well attended Women's History Month Luncheon that had taken place that day. She said the speaker, Professor Allida Black from George Washington University, gave a great address about Eleanor Roosevelt and urged all to make their community better. She said it was also good to see the Woman of the Year and Lifetime Achievement Award winners honored. She also noted that many events celebrating Women's History Month could be found on the city's website. Piedmont noted that the council Bowl-For-Kid's-Sake bowling team had won Best Costume award, and thanked the organizers for a fun time and the opportunity to raise funds for the agency.

Andy Ruff noted a recent editorial from the Indianapolis Star that reported on nation-wide press stories on the state of Indiana's environment. He read that Forbes had ranked Indiana 49th in a list of states based on air and water quality, waste management, energy consumption, and public policy and as a result suffered from a mix of toxic waste, lots of pollution, over consumption with no clear plan to do anything about it. He noted that there were costs to health, loss of recreation due to polluted water and fish advisories, and problems due to nitrogen and phosphorus runoff from farming areas. The editorial said that this begs for a vibrant public debate about how Indiana could improve its environmental stewardship and consequently how it would affect the attraction of educated workers and desired businesses and industry to the state. Ruff said that we should insist that our elected leaders, locally and at the state level address this issue. He concluded by saying that when the Indy Star addressed this point, we as a state, had probably reached a fairly desperate point.

Housing and Neighborhood Development Program Specialist Vickie Provine announced the 6th Annual Homeward Bound Walk would take place on April 6th. She said this walk sponsored by the City of Bloomington was one of eight statewide walks that were intended to help thirteen local agencies that work with the homeless and near homeless. She noted that since 2003, this walk had raised over \$261,000 locally and that all of those funds stay in the community. She encouraged the council members to participate.

MAYOR and CITY OFFICES

Tim Mayer, the council representative on the Utilities Service Board, reported that the USB had approved a Memorandum Of Understanding for sharing costs and relocation of the utilities along South Rogers street near the intersection of Country Club Road.

COUNCIL COMMITTEES

He said they also approved an agreement for consulting services for the improvements on the State Route 45/46 By Pass project for a water line relocation required by the state to remove waterlines from the right-of-way. He said the Utility would set aside \$1.2M although the relocation would cost almost 10 times that much. He noted that the City had applied to INDOT for a hardship grant to cover the remainder of the cost of this relocation. He said that the engineering department could provide council members with more information about this upgrade and how it would affect neighborhoods in the area.

As an update on the INDOT construction of this road, he said that bids would be let in January of 2009 with construction to begin in Spring of 2009.

Susan Sandberg said she had served on the strategic planning committee for the Bloomington Entertainment and Arts District (BEAD) and had recently attended a press conference at the future site of the Pictura Gallery that would open on the corner of 6th and College. She said that the BEAD would provide encouragement and incentives for businesses and activities such as this in the downtown area. She also said that copies of this strategic plan were available to explain the concept and development of the plan.

She thanked Miah Michaelsen, Assistant Director of Economic Development for the Arts, for her leadership in this effort.

Sandberg noted Squonk Opera to be performed at the end of the month.

There were no public comments at this meeting.

It was moved and seconded that Sarah Ryterband be appointed to the Traffic Commission. The nomination was approved by a voice vote.

It was moved and seconded that Gracia Valliant, Arturo Rodriguez and Raquel Anderson be appointed to the new Commission of Hispanic and Latino Affairs. The nominations were approved by a voice vote.

Mayer noted that the interview committee (Sandberg, Volan and himself) had a difficult time making the choices for the first members of this new commission, adding that at least eight applicants were interviewed and all were wonderfully qualified and involved in the Latino community.

It was moved and seconded that Ordinance 08-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-0-4. It was moved and seconded that Ordinance 08-02 be adopted.

Adam Wason, Assistant Director of Economic Development for Small Business and Sustainable Development and staff liaison to the Commission on Sustainability discussed the mission of the commission, and their activities and duties. He said that the commission would like to have the current code changed to allow for up to two appointments by the mayor and council (for a total of four persons) to reside outside the corporate city limits. He said that sustainability initiatives and outreach goes beyond the formal limits of the city. He said that the commission would also like for the voting status of the ex-officio member to be clarified.

Wason addressed questions that had arisen during the Committee of the Whole discussion on this ordinance by noting that there were no plans at this time to pursue a formal joint Sustainability Commission with county government. He said, however, there would be an outreach effort to begin conversations to see where both entities could collaborate, and county council and county commissioners would be contacted in writing about this effort.

Wason outlined several commission initiatives that illustrated the need to expand the broader residency of Sustainability commissioners. He noted a local foods tour, a compact fluorescent light bulb exchange, and the monthly energy forums (sponsored with the Environmental Commission) included valuable resources and outreach outside the city limits.

Rollo clarified that although he was the Ex-Officio member of the commission, he noted that there was no conflict of his discussion and voting on this matter. He noted that the changes proposed in the

PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Ordinance 08-02 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Section 2.12.100 Entitled "Bloomington Commission on Sustainability" to Change Residency Requirements and Clarify the Voting Status of the Ex Officio Member

ordinance had been unanimously approved by the commission and supported by the administration.

Wisler asked if there were current openings on the Sustainability Commission and how many applicants there were.

Wason said there were probably 15 or 20 applications that had been submitted earlier in the year when there were actually four vacancies. Wason noted that at that time one vacancy, a council appointment remained unfilled.

Satterfield asked how many of the applicants were not residents of the city to which Wason said he didn't know the precise number.

There were no public comments on this item.

Volan commented that he had previously expressed concerns about people being outside the city being appointed to a commission that was funded by the city taxpayers. He said he no longer had these objections and would be voting in favor of the ordinance.

Mayer said that he would be voting against the ordinance explaining that when the enabling legislation was created he had expressed that he was uncomfortable including citizens from outside the city limits as commissioners and that he was still uncomfortable with that concept. He said he fully supported the ex-officio member becoming a voting member, however.

Satterfield said he had no problem with the ex-officio member issue as he had read the Robert's Rules of Order on the topic. He said he would like to see something more official with regards to the county inclusion in the sustainability efforts, but would be willing to wait on that issue.

Wisler said he had spoken favorably on the concept of including citizens outside the city on our boards and commissions, but the more he had spoken to people, the more he understood the concept of not including county residents on the commission when it was founded. He said that most of the other boards and commissions didn't allow county residents and that this particular change was targeted to allow a particular person or persons on a particular commission. He said he was not comfortable with that concept and would favor a discussion of membership and corporate boundaries with regards to all city boards and commissions.

He said there were many vacancies on boards and commissions and many folks were waiting to be appointed. He was uncomfortable bypassing them for folks outside the city.

Wisler said he was not opposed to this concept in principle because it was an advisory board, not a policy making board, but would still have to vote against the ordinance because of what he described as the piecemeal approach.

With regards to the other change proposed in the ordinance, Wisler added he was comfortable with the ex-officio member being a voting member as indicated by Robert's Rules of Order.

Volan asked for the council attorney to cite the code section that indicates board and commission members be city residents. Sherman said that this was covered in the Executive Branch where general terms for boards and commissions were described and he then read the exact section. Volan said that this ordinance change was then necessary, to which Sherman agreed.

Ordinance 08-02 (cont'd)

Sturbaum said he felt that it was appropriate to consider this commission's residency requirement separately and that he would not like to see a broad waiver of residency requirements for all city boards and commissions. He said the work of this commission went beyond the boundaries of the city and that moving in a more regional and county wide direction was a positive action. He said if more people wanted to be involved, the meetings were public and that folks could come and participate.

Ruff noted that he agreed with Sturbaum and that the nature of various boards and commissions was diverse and different enough that discussion of the residency requirements for one didn't call into question the residency requirements of another. He said he strongly disagreed with Wisler that this was being done specifically to allow one person to be added to this commission. He added that his evidence for this was that when the commission was established, the possibility of adding county members was thoroughly discussed. He said at that time the idea was that in the future county residents might be added. He said there was no motive to add one particular person.

Rollo said that the commission debated this topic and voted unanimously to ask the council to change this residency requirement. He added that the expertise, talent and networking of the county applicants were great. He said that the social equity, economic and environmental concerns addressed by this commission extend beyond the city boundary, using the local food issue as just one example. He said that it would be advantageous to have a local farmer on the commission.

Sandberg said she was comfortable with both parts of this ordinance.

Volan said the reason he changed his thinking from the committee meeting was that this was not about something that took place within the city limits, but about what came into the city and what went out of the city. He said the whole point of the commission was to discuss the fact that we were not a closed system, that the corporate boundary was permeable in many ways. He added that a commission was served best by folks with some measure of expertise and that that person may not live within the city boundaries.

Wisler said that the principle didn't bother him, but he wondered why stop at Monroe County line for appointments, and that residency lines could be even more blurred if farms straddled county lines. He challenged council members to show him one commission whose mission and scope would not extend beyond the city limits (with the exception of the BUEA). He noted the Environmental Commission, Commission on Hispanic and Latino Affairs, Utilities, Telecommunications, Status of Black Males and Status of Women, and the Human Rights Commission issues don't stop at the city lines. He said that it had been specifically stated in the Committee of the Whole discussion that there were desirable candidates that lived outside the city limits, and he was uncomfortable changing the rules to make a seat for one particular person.

He said that if input from persons outside the city limits was important, the change should be made across all city boards and commissions.

Ordinance 08-02 received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Mayer).

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

LEGISLATION FOR FIRST READING

Appropriation Ordinance 08-01 To Specifically Appropriate From the General Fund Expenditures Not Otherwise Appropriated (Appropriating Grant Funds from the General Fund for Animal Care & Control)

Appropriation Ordinance 08-01

Ordinance 08-03 To Amend the Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Section 2.23.060 Entitled "Commission on the Status of Women – Establishment" to Increase Its Size from Seven to Nine Commissioners

Ordinance 08-03

There was no comment from members of the public at this meeting.

PUBLIC INPUT

The meeting was adjourned at 8:35 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval

In the Council Chambers of the Showers City Hall on Wednesday, March 19, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MARCH 19, 2008

Roll Call: Mayer, Piedmont, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan (arrived at 9:10 pm)
Absent: Wisler

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to approve at this meeting.

APPROVAL OF MINUTES

Dave Rollo noted that since this was the anniversary of the invasion of Iraq which began the Iraq war, he asked for a moment of silence for the service men and women who have died and all others who have died including Iraqis.

REPORTS:
COUNCILMEMBERS

Isabel Piedmont noted that this was the 5th anniversary of the Iraqi conflict. She said she was angry that the US government had been so contrary to democratic principles by going into this war under false pretenses, and continuing this war under the pretense of creating democracy. She said she believed that the troops needed to be withdrawn as quickly and safely as possible. She hoped that the folly of Iraq wouldn't spread into Iran. She noted that she preferred to focus on the good things that were happening locally with support for the anti-war movement.

Tim Mayer mentioned the passing of a dear friend, Margaret Carter who was 88, mother of nine and a neighbor in Green Acres. He said she was active in the Neighborhood Association and church and was a very sweet and wonderful person, who would be missed greatly. He also mentioned the upcoming Squonk Opera which would feature Bloomington and Bloomingtonians. He highly recommended this event.

Chris Sturbaum said he had joined the group of cold, wet patriots protesting the war on the square. He wondered, after watching the Vietnam and Iraqi Wars, when we would ever learn. He said he hoped in the upcoming presidential election we would get it right this time.

Susan Sandberg said that with all of the resources spent on the war effort, one of the things sadly lacking across the country was attention to domestic issues. Therefore, she noted the upcoming Homeward Bound Walk, benefitting the homeless on April 6th at 3rd St. Park with festivities beginning at noon, and the walk stepping off at 2:00 pm. She reminded everyone of the Squonk Opera and the exciting activities associated with the BEAD District and arts in the community.

Daniel Grundmann, Director of Employee Services reported on behalf of the Mayor's Office recognizing Disability Awareness Month, as declared by the Governor. He said one of the directives from Mayor Kruzan upon taking office was to increase attention paid to employing people with disabilities, although the city had been employing people with disabilities for a long time. Now, he said, it was time to ramp up efforts, be a conscientious employer, and advocate for people with disabilities. He described a group of business leaders called Diversity Works that advocated for people with disabilities and hiring people with disabilities. He noted that many departments in the City of Bloomington support and advocate for people with disabilities including Craig Brenner and Community and Family Resources, Barbara McKinney and the Humans Rights Commission as well as the Housing and Neighborhood Development Department.

MAYOR and CITY OFFICES

Grundmann introduced Susan Rinne, Executive Director with Options for Better Living, who congratulated the City for its work in making all city services and public facilities accessible. She distributed handouts on making meetings accessible which had been used as part of a program for Disability Awareness Month.

Rinne said that there were 8500 people in the Monroe County area with disabilities. The national unemployment rate for people with disabilities, the largest minority group in the country, is 67%, which is larger than any other minority. She offered ideas for helping to employ people with disabilities including providing guidance to supervisors on appropriate hiring and supervisory practices, examining hiring practices such as on-line applications that may exclude those who can't use technology and considering an accessibility audit through the City's Council on Accessibility. She concluded with the fact that one out of five people have a disability.

Dan Grundmann, on behalf of Mayor Kruzan presented a proclamation declaring March 2008 as Disabilities Awareness month.

Laurie Ringquist, Animal Control reported on the receipt of an \$11, 215.00 grant from Pet Smart Charities based on the city's "Puppy Train" program. This year's grant, to enhance the foster program by providing supplies to foster families will hopefully attract increased numbers of foster homes.

She also announced that on March 30th there would be a Disaster Preparedness event for pets.

Finally, she reported on the Adopt Today Campaign, which was to be expanded to include information on volunteers, spaying and neutering, and responsible pet ownership.

Mayer, council representative on the Utilities Service Board, reported that during the most recent USB meeting, the peer review requested by USB board members for a redundant water line was approved.

Lorraine Farrell, member of the Commission on the Status of Women, announced that the annual Women on Board event would be held March 24th and would feature Liz Feitl, AFL-CIO Community Services liaison as the keynote speaker along with three separate workshops.

Sura Gail Tala spoke as an organizer of the weekly peace demonstration where she said between 200 and 250 people participated.

Michelle Cole reported on her promotion of Complete Streets which assists in disability access, prevents overreliance on fossil fuels, improves the community's safety, encourages unity and increases property values. She said Senate Bill 2682 which provided for research and best practice on Complete Streets was coming forth, and encouraged the community to contact Indiana Senators to support this bill.

David R. Grubb spoke against a new jail on the old RCA site, and said most taxpayers were against such a measure. He said Ellettsville was where a new jail was needed. He also said there needed to be less expenditure of tax funds, especially in this time of a "light depression". He said he hoped Ellettsville would be able to expand its city limits.

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

It was moved and seconded that Appropriation Ordinance 08-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Appropriation Ordinance 08-01 be adopted.

Susan Clark, City Controller reported on the Pet Smart Grant received by Animal Control in the amount of \$11,215.00 to enhance the Foster Pet Program which would increase numbers of foster homes by

MAYOR and CITY OFFICES Reports
(cont'd)

COUNCIL COMMITTEES

- USB

PUBLIC COMMENT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Appropriation Ordinance 08-01 To Specifically Appropriate From the General Fund Expenditures Not Otherwise Appropriated (Appropriating Grant Funds from the General Fund for Animal Care & Control)

providing equipment and supplies to those that may not otherwise be able to afford becoming a foster home. She explained that fostering was an alternative to full-time pet ownership in that it allowed for short-term care of animals. This measure would allow the grant funding to be appropriated for use by Animal Control.

Clark also reported that Animal Control received a \$5,000 bequest from Naomi Osborn's estate, for which Clark thanked and recognized Naomi Osborn.

Mayer thanked Susan Clark for her work on this measure.

Sandberg thanked the Naomi Osborn estate, to all who volunteer for the Animal Shelter, Laurie Ringquist and her staff.

Appropriation Ordinance 08-01 received a roll call vote of Ayes: 7, Nays: 0.

It was moved and seconded that Ordinance 08-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Ordinance 08-03 be adopted.

President Sandberg said that she and Councilmember Piedmont were pleased to cosponsor this ordinance. She noted members of the Commission on the Status of Women were in attendance.

Jillian Kinzie, Commission on the Status of Women, said the commission was excited about the proposed expansion and would certainly take advantage of the increased membership. She said this would be a way to help with the ever-increasing work scope and all of the new projects. She said it also would be a recognition of all of those who had served informally to assist with the commission by creating formal roles on the commission.

Mayer thanked the Commission for their past work and the work they would do in the future.

Ordinance 08-03 received a roll call vote of Ayes: 7, Nays: 0. (Volan was not yet present at the meeting at the time of this vote.)

It was moved and seconded that Resolution 08-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 08-06 be adopted.

Resolution Sponsor Rollo read the resolution and introduced Councilmember Piedmont, co-sponsor of this resolution. She noted that recently the Council increased the membership on the Commission on sustainability because sustainability could not be confined by geographic boundaries. She compared that to the larger county and state effort to protect green space. She also said that it was fitting to speak out when the few remaining wilderness areas, including two right next door (which are the two covered by the resolution) were threatened by commercial logging.

Piedmont reported that in addition to the recreational and personal benefits from the forests, these forests also provide natural erosion control and storm water filters, as well as clearing the air of particulates and providing habitat for the forests' rich biodiversity.

Drew Laird, Director of the Indiana Forest Alliance explained that the Morgan-Monroe, Yellowwood State Forest Backcountry was created in 1980 to provide a wilderness experience to the public, but now the DNR

Appropriation Ordinance 08-01 (cont'd)

Ordinance 08-03 To Amend the Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Section 2.23.060 Entitled "Commission on the Status of Women – Establishment" to Increase Its Size from Seven to Nine Commissioners

Resolution 08-06 Recognizing the Special Value of the Backcountry Area of Morgan-Monroe and Yellowwood State Forests and Urging that It be Permanently Protected from Commercial Logging

was logging it. He reported that the forest industry donated heavily to Governor Daniels' campaign, that the Daniels' administration replaced the State Forester with a former timber industry lobbyist and mandated a huge logging increase in the 2005 plan which increased timber revenue, increased logging 500% and had no environmental assessment component in the plan. These two forests seemed to be the prime targets of logging in the state forests because they have the most timber. Hiking trails double as the logging roads, which meant the timber trucks and heavy machinery have overtaken the trails. There was no single-selection of trees, but rather clear cutting of large areas. The logging has endangered wildlife and curtailed use by hikers.

David Haberman, Indiana Forest Alliance thanked the Council for considering this resolution. He said that logging violated the initial intention for these forests. Documentation from the inception of the Backcountry area didn't prohibit all logging and even mentioned the possibility of single-tree identification and harvesting, but said there was never an intention to open it to five acre clear-cutting, as proposed by the DNR.

While there was no absolute prohibition of logging, the intention regarding this area as wilderness had been honored by state foresters since the 1980s, and it had not been logged for over three decades. Increased logging had been done without any public input or considerations for environmental impact.

Haberman explained that to create roads for the logging, bulldozers are used to clear out the forest areas, creating a semi-permanent roadway. Then, he said large tractors are driven off the roadway throughout the forest to pull the trees into the roadway. He noted the high amount of collateral damage done through commercial logging. Haberman said commercial logging in the back country area certainly was not economically necessary, since the area represented only a tiny portion of the state forest system. He said this logging was unnecessary, but especially so in such a small area as the Backcountry. He cited a 2001 opinion poll in which only 33% of the respondents agreed that the DNR should continue to allow commercial logging by private companies in publicly owned state forests. He asked for support of this resolution.

Mayer asked for clarification of income received from logging, which Laird said was 1.5 million dollars per year.

Sturbaum asked if the public should appeal to the Governor's Office as the means for the most direct action, to which Laird said yes, that would be the most effective.

Ruff asked if it was more profitable for commercial logging firms to use public forests rather than private. Haberman said that was their conclusion. He said if a private contractor logged in a private forest, then that contractor was responsible for all costs associated with that work such as bulldozing roads, maintaining roads and clearing logging yards. However, the state was providing that work for the state forests. He said that needed to be considered when determining the cost of a logging operation or bid. Haberman added that the average price per tree being sold from the state forest was less than that sold from private land. He said it was his sense that logging in the state forest was a subsidized logging program.

Ruff asked if private contractors got more for their efforts in state forests as opposed to private land. Haberman said the wood coming from a state forest is probably a higher quality. Ruff also asked if the timber industry was aggressively lobbying for ability to log state forests. Haberman said that yes, the timber industry helped get logging-friendly

people in state positions, and The Indiana Heartwood Lumberman's Association contributed heavily to Governor Daniels' campaign.

Resolution 08-06 (cont'd)

Ruff followed up by asking about the percentage of forested land in Indiana, to which Laird said the State Forest was 1% of the land in Indiana, but represented 30% of recreational land. The Backcountry forest area is a very tiny fraction of that 1%.

Sturbaum asked about the bidding prices and how logging prices were set. Laird said it almost represented price fixing because the bids for logging on state land were much less than logging on private land. He said any licensed timber buyer could bid.

Sandberg asked how citizens could register concerns about the upcoming timber auction. Laird said his organization, along with others would be there to protest, and he invited members of the public to join. He said they also sent about 200 emails to the DNR Director with no response.

Sura Gail Tala reported that she supported all of the work that had been done to save the forest. She referred to the book "Last Child in the Woods" which described nature deficit disorder and the lack of outdoor experiences. She said she believed the timber price was low because it was an auction, and that the buyers might work together to keep the prices low. She urged the public to attend on April 17th to demonstrate their objections.

Terry Green, member of the Sassafras Audubon Society said that it was wrong to destroy a place such as the Backcountry through logging because of the multiple negative effects on the environment and personal well-being. She said everything was inter-connected, and that plundering natural resources was having a negative impact on our planet. She said that to continue in such a way was greedy, arrogant and simply insane. She thanked the Council for this proposal and anything else that could be done to save the Backcountry and stop this ludicrous venture.

Piedmont mentioned an open house hosted by DNR on April 1st at Yellowwood State Forest which might be a time to register objections.

Satterfield said that commercial logging on public land didn't make sense.

Ruff agreed that this didn't make sense, especially because this logging operation was subsidized in many ways by taxpayers. Even though wood and wood products were needed, he said wood had been over-consumed because it had been subsidized, which was wrong. He said because this was unsustainable, it was inconsistent with City sustainability policies. He thanked everyone who had worked with this and said he would support it.

Sturbaum said he didn't remember the governor promising to do this when he was driving around in his campaign bus. He said he hoped we learned from this.

Sandberg said "Last Child in the Woods" was a wonderful book especially for anyone who cared about how our children will grow up. She said she would support the resolution.

Mayer recalled the times he spent in Morgan-Monroe and Yellowwood State Forests, which was always a beautiful experience. He said this timber sale was wrong-headed in terms of economics. The revenue derived from this for the state was peanuts, and amounted to nothing, he said. He referred to Britain, where he said, they had figured it out, because knowing that the roof of Parliament would have to be replaced

every 100 years, they set aside an oak forest for that purpose which was carefully managed for the future. Also, he added that Crane Naval Base maintained an oak forest called Constitution Grove for timbers for the USS Constitution in Boston Harbor. He said it was about having a vision of how forests could be beneficial, but this clear cutting was crazy.

Resolution 08-06 (cont'd)

Rollo agreed that this was bad economics because it distorted the marketplace through subsidies. Since one rung of sustainability is social equity, he wondered what kind of environment would be left to the next generation. He recalled the impact that Rachel Carson had on him as a child with her work on the loss of birds due to pesticide. He said as biodiversity was lost through the loss of forested land, there would be a particular impact and threat on birds. He reported that opening up the forest canopy had a direct negative effect on bird reproduction, and that the only way to reverse this effect was to maintain the integrity of the forest and not go into the interior and clear cut huge swaths of trees. He said that the loss of forest meant the loss of birds. He suggested that when phone calls were made to the Governor's Office that he be asked what legacy would he like to leave, since it would be easy to document that legacy with photos and videos of the clear cutting. In conclusion, he said ecosystems all over the planet had been affected with species of fish and insects disappearing. Since these forests were on Bloomington's doorstep, it was imperative for the community to protect this treasure. He thanked the IFA for all of their work and efforts to inform and educate the community.

Resolution 08-06 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Volan declined to vote as he arrived too late in the discussion.)

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

LEGISLATION FOR FIRST READING

Ordinance 08-01 To Amend the Preliminary Plan for the Woolery Planned Unit Development (PUD) to Allow 38 Attached Single Family Units on Parcel G - Re: 1302 W Countryside Lane (Langley Construction)

Ordinance 08-01

There was no public comment.

PUBLIC INPUT

The meeting was adjourned at 9:12 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington