



City of Bloomington
Common Council

Legislative Packet

Regular Session

07 June 2006

Office of the Common Council
P.O. Box 100
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Bloomington, Indiana 47402

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**City of
Bloomington
Indiana**

City Hall
401 N. Morton St.
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To: Council Members
From: Council Office
Re: Weekly Packet
Date: 02 June 2006

Packet-related Material

- **Memo**
- **Agenda**
- **Calendar**
- **Notices and Agendas:**

Jack Hopkins Social Services Funding Committee Evaluation Meeting on Wednesday, 07 June 2006 at 6:00 pm in the Council Library.
- **Legislation for Final Action:**
 - **Ordinance 06-06** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” (*Please see the 17 May 2006 Council Legislative Packet for the legislation, summary and background material.*)

*Contact: Justin Wykoff at 349-3593 or wykoffj@bloomington.in.gov
James McNamara at 349-3406 or mcnamar@bloomington.in.gov*
 - **Ordinance 06-08** To Amend Ordinance 05-21 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for all the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2006 - Re: Positions in the Controller’s Office, Employee Services, Engineering, Fire, Office of the Mayor, Parking Enforcement, Parks and Recreation, Sanitation, and Utilities Dillman and Utilities Engineering (*Please see the 17 May 2006 Council Legislative Packet for the legislation, summary and background material.*)

Contact: Daniel Grundmann at 349-3578 or grundmad@bloomington.in.gov
- **Legislation and Background Material for First Reading:**

None
- **Minutes from Regular Sessions:**

06 April 2005
20 April 2005
22 March 2006
17 May 2006

Memo

Two Ordinances are Ready for Final Vote on Wednesday, 07 June 2006: Ordinance 06-06 and Ordinance 06-08

*

Ordinance 06-06

The legislation and background material for this ordinance are provided in the *Legislative Packet* distributed for the 17 May 2006 meeting. Five amendments accompany this legislation, the first two of which are discussed in the aforementioned packet.

Amendment 01: This amendment is proposed by Justin Wykoff, Manager of Engineering Services, and changes Schedule M of the Bloomington Municipal Code by adding a “No Parking” zone on Wilson Street from Park Avenue to Woodlawn Avenue. He proposes this change because the street width cannot simultaneously accommodate two lanes of through-traffic and parking on both sides of the street.

Amendment 02: This amendment is proposed by the Traffic Commission and changes Schedule I of the Bloomington Municipal Code by lowering the speed limit on Wylie Farm Road from Henderson Street to Bent Tree Drive to 25 M.P.H. Please note that the Manager of Engineering Services does not support this change after reviewing the traffic counts and a speed study.

Amendment 03: This amendment is proposed by Deputy Mayor, James McNamara, and addresses City Hall Visitor Parking. The amendment brings parking in line with the current signage and enforcement practices, which allow *unlimited* parking on weekends in said spaces without regard to whether the motorist is visiting City Hall. It also reserves the first space south of the City Hall parking lot for the Farmers’ Market van during Market season.

Amendment 04: This amendment is proposed by Deputy Mayor, James McNamara, and authorizes the issuance of additional overtime parking citations for cars parked at two, three, or more times the maximum time limit for that space in one day.

Amendment 05: This amendment is proposed by Deputy Mayor, James McNamara, and corrects for an omission in the ordinance by specifying the number of accessible parking spaces that are required in Lot 5 at the corner of Sixth and Lincoln Streets. The amendment also deletes the provision of Ord 06-06 authorizing the Board of Public Works to set maximum daily rates for City parking facilities and to establish flat rates for parking at a particular time in a particular facility. Indiana Code §36-9-11-7 directs that parking rates must first be approved by the Common Council before they become effective.

Ordinance 06-08

There are not any amendments to this ordinance. Please see the *Legislative Packet* distributed for the 17 May 2006 meeting for legislation and background material.

**NOTICE AND AGENDA FOR
COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, JUNE 07, 2006
COUNCIL CHAMBERS
SHOWERS BUILDING 401 NORTH MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

- III. APPROVAL OF MINUTES FOR:** Regular Sessions
- April 6, 2005
 - April 20, 2005
 - March 22, 2006
 - May 17, 2006

- 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 06-08 To Amend Ordinance 05-21 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for all the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2006 - Re: Positions in the Controller's Office, Employee Services, Engineering, Fire, Office of the Mayor, Parking Enforcement, Parks and Recreation, Sanitation, and Utilities Dillman and Utilities Engineering

Committee Recommendation: Do Pass 5 – 0 – 2

2. Ordinance 06-06 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"

Committee Recommendation:	Do Pass	5 – 0 – 1
Ordinance as amended		
	Am 01	6 – 0 – 0
	Am 02	3 – 2 – 2
	Am 03	3 – 0 – 3
	Am 04	5 – 0 – 1
	Am 05	-----

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
Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402



Office of the Common Council
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To: Council Members
From: Council Office
Re: Calendar for the Week of June 5-10, 2006
Date: June 2, 2006

Monday, June 5, 2006

10:00 am Mayoral Press Conference, City Hall Atrium
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room

Tuesday, June 6, 2006

10:00 am Mayoral Press Conference, City Hall Atrium
1:30 pm Development Review Committee, McCloskey
3:00 pm Farmers' Market, Showers Common
4:00 pm Monroe County Solid Waste District Citizen Advisory Council Meeting, McCloskey
7:00 pm Bloomington Commission on Sustainability, Public Meeting on Draft Indicators,
Banneker Center, 930 W. 7th St
7:30 pm Telecommunications Council, Council Chambers

Wednesday, June 7, 2006

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
3:30 pm Housing Trust Fund, McCloskey
7:30 pm Common Council Regular Session, Council Chambers

Thursday, June 8, 2006

12:00 pm Housing Network, McCloskey
3:30 pm Bloomington Historic Preservation Commission, McCloskey
5:15 pm Solid Waste Management District, County Solid Waste Management Facilities, 3400 Old SR 37
7:00 pm Inclusive Recreation Advisory Council, McCloskey

Friday, June 9, 2006

12:00 pm Domestic Violence Taskforce, Hooker Room
1:30 pm Metropolitan Planning Organization Technical Advisory and Policy Committees, McCloskey

Saturday, June 10, 2006

7:00 am Farmers' Market, Showers Common



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

MEETING NOTICE

**The Common Council's
Jack Hopkins Social Services Funding Committee
will meet**

6:00 pm

Wednesday, 07 June 2006

Council Library, Suite 110, City Hall, 401 N. Morton Street

The purpose of the meeting is for Committee members to evaluate the 2006 Jack Hopkins Social Services Program. Because a quorum of the Council -- as well as this Council Committee -- may be present, this meeting may constitute a meeting of both the Council and the Committee under the Indiana Open Door Law. This statement provides notice that this meeting is open for the public to attend, observe, and record what transpires.

Dated & Posted: Friday, 02 June 2006

Proposed Amendments to Ordinance 06-06:
To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic”

- Amendment 1 – Sponsored by Justin Wykoff, Manager of Engineering Services

- Amendment 2 – Sponsored by the Traffic Commission

- Amendment 3 – Sponsored by James McNamara, Deputy Mayor

- Amendment 4 – Sponsored by James McNamara, Deputy Mayor

- Amendment 5 – Sponsored by James McNamara, Deputy Mayor

***** Amendment Form *****

Ordinance #: 06-06
Amendment #: 01
Submitted By: Justin Wykoff, Manager of Engineering Services
Date: May 17, 2006

Proposed Amendment: Ordinance 06-06 shall be amended in the following manner:

1. SECTION XI, regarding BMC 15.32.080, No Parking Zones (Schedule M), shall be amended to add the following line, which shall be inserted in alphabetical order in said Schedule:

SCHEDULE M
NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Wilson Street	Park Avenue	Woodlawn Avenue	North/South	Any Time

Synopsis

This amendment is proposed by Justin Wykoff, Manager of Engineering and changes Schedule M of the Bloomington Municipal Code by adding a “No Parking” zone on Wilson Street from Park Avenue to Woodlawn Avenue. He proposes this change because the street width cannot simultaneously accommodate two lanes of through-traffic and parking on both sides of the street. Please note that the Traffic Commission does not support this change.

05/24/06 Committee Action: 6 – 0 (Volan out-of-room, Diekhoff and Mayer – absent)
07/07/06 Regular Session Action: Pending

Date: May 12, 2006

***** Amendment Form *****

Ordinance #: 06-06
Amendment #: 02
Submitted By: The Traffic Commission
Date: May 17, 2006

Proposed Amendment: Ordinance 06-06 shall be amended in the following manner:

1. A new SECTION VII shall be inserted into the ordinance, regarding BMC 15.24.020, Increased or Decreased State Speed Limits (Schedule I), which shall add the following line to the schedule, which shall be inserted in alphabetical order:

SCHEDULE I
INCREASED OR DECREASED STATE SPEED LIMITS

Street	From	To	Posted Speed
Wylie Farm Road	Henderson Street	Bent Tree Drive	25 M.P.H.

2. The subsequent provisions of the ordinance shall be re-numbered accordingly.

Synopsis

This amendment is proposed by the Traffic Commission and changes Schedule I of the Bloomington Municipal Code by lowering the speed limit on Wylie Farm Road from Henderson Street to Bent Tree Drive to 25 M.P.H. Please note that this change is opposed by the Manager of Engineering because it is not supported by the traffic counts and a speed study.

05/24/06 Committee Action: 3 (Rollo, Sturbaum & Volan) – 2 – Banach & Sabbagh – 2 (Gaal and Ruff)
06/07/06 Regular Session Action: Pending

Date: May 24, 2006

***** Amendment Form *****

Ordinance #: 06-06
Amendment #: Am 3
Submitted By: James McNamara, Deputy Mayor
Date: May 24, 2006

Proposed Amendment:

1. Amend Section XII of Ordinance 06-06, which deletes street segments from the Limited Parking Zones, by inserting the following:

SCHEDULE N – LIMITED PARKING ZONES				
Street	From	To	Side of Street	Limit
Morton Street	Entrance to Lot 11 (South of City Hall)	Fifth Space south of entrance to Lot 11 (South of City Hall)	West	1 Hr. (8)
Morton Street	Seventh Street	Eighth Street	East	2 Hr. (8)

2. Amend Section XIII of Ordinance 06-06, which adds street segments to the Limited Parking Zones, by inserting the following:

SCHEDULE N – LIMITED PARKING ZONES				
Street	From	To	Side of Street	Limit
Morton Street	Entrance to Lot 11 (South of City Hall)	Fifth Space south of entrance to Lot 11 (South of City Hall)	West	1 Hr. (3)
Morton Street	Seventh Street	1 st alley north of Seventh Street	East	2 Hr. (8)
Morton Street	1 st alley north of Seventh Street	Eighth Street	East	2 Hr. (3)

3. Amend Section XXV of Ordinance 06-06 by deleting it and replacing it with the following:

SECTION XXV. Section 15.40.050 entitled “City hall visitor parking” Schedule W shall be amended by deleting it and replacing it with the following:

SCHEDULE W – CITY HALL VISITOR PARKING
--

Street	From	To	Side of Street	Limit
Morton Street	Fifth space south of the entrance to Lot 11 (south side of City Hall, 401 N Morton Street)	Second space south of the entrance to Lot 11 (south side of City Hall, 401 N Morton Street)	West	8:00 a.m. -- 5:00 p.m. Monday through Friday
Morton Street	First space south of the entrance to Lot 11 (south side of City Hall, 401 N Morton Street)	The entrance to Lot 11 (south side of City Hall, 401 N Morton Street)	West	8:00 a.m. -- 5:00 p.m. Monday through Friday, November through March
				8:00 a.m. -- 5:00 p.m. Monday through Thursday, April through October
Morton Street	1st alley north of Seventh Street	Eighth Street	East	8:00 a.m. -- 5:00 p.m. Monday through Saturday

4. Amend Ordinance 06-06 by adding the following section after Section XVII:

SECTION ***. Section 15.32.120 Schedule R shall be amended by adding the following:

OFFICIAL VEHICLE ZONES			
Street or Lot	From	To	Side of Street
Morton	Entrance to Lot 11 (south side of City Hall, 401 N Morton Street)	First space south of the entrance to Lot 11 (south side of City Hall, 401 N Morton Street)	West

5. Amend Ordinance 06-06 to renumber the sections accordingly.

Synopsis

Section 25 of the ordinance allows motorists to park in the Morton Street City Hall visitor spaces on weekends without visiting City Hall. City Hall visitor parking is on Morton Street and includes five one-hour spaces on the west side immediately south of the entrance to the City Hall lot and the half block of two-hour spaces north of the alley on the east side between 7th and 8th Streets. Motorists who park there on Saturday would be subject to one-hour parking (on the west side) or two-hour parking (on the east side) from 5:00 a.m. to 5:00 p.m.

This amendment would bring the parking in line with the current signage and enforcement practices, which allow *unlimited* parking on weekends in those spaces without regard to whether the motorist is visiting City Hall. It would also reserve first space south of the City Hall parking lot for the Farmers' Market van during market season.

5/24/06 Committee Action: 3 (Rollo, Ruff & Volan) – 0 – 3 (Banach, Gaal & Sturbaum)

6/7/06 Regular Session Action: Pending

May 24, 2006

***** Amendment Form *****

Ordinance #: 06-06

Amendment #: Am 4

Submitted By: James McNamara, Deputy Mayor

Date: May 24, 2006

Proposed Amendment: Ord 06-06 shall be amended in the following manner:

1. A new Section XXVI shall be inserted into the ordinance and shall read as follows:

SECTION XXVI. Section 15.40.60 entitled “Violations” shall be amended by appending the following sentence at the end of part (a):

After the maximum time limit has expired, a separate additional violation occurs for each period of time equal to the maximum time limit for which the vehicle remains parked in the metered space to which the limit applies.

2. The existing Section XXVI and subsequent sections shall be renumbered accordingly.

Synopsis

This amendment would authorize the issuance of additional overtime parking citations for cars that are parked at two, three, or more times the maximum time limit for that space in one day.

5/24/06 Committee Action: 5 – 0 – 1 (Banach) (Diekhoff, Mayer and Sabbagh – absent)

6/7/06 Regular Session Action: Pending

May 24, 2006

***** Amendment Form *****

Ordinance #: 06-06

Amendment #: Am 5

Submitted By: James McNamara, Deputy Mayor

Date: June 7, 2006

Proposed Amendment: Ord 06-06 shall be amended in the following manner:

1. Section XIX of Ord 06-06 regarding the proposed change to Section 15.32.150 Schedule S, "Accessible Parking For Persons With Physical Disabilities," the following description shall be added to "Lot 5":

(3 spaces)/6th Street/Lincoln Street

2. Section XXIII of Ord 06-06 regarding the proposed addition of Paragraph (d) to Section 15.40.020, "Applicable times and charges," of the Bloomington Municipal Code shall be deleted in its entirety.
3. Ord 06-06 shall be re-numbered accordingly.

Synopsis

This amendment specifies the number of accessible parking spaces that are required in Lot 5 at the corner of Sixth and Lincoln Streets. This was accidentally omitted from Ord 06-06. The amendment also deletes the provision of Ord 06-06 authorizing the Board of Public Works to set maximum daily rates for City parking facilities and to establish flat rates for parking at a particular time in a particular facility. Indiana Code §36-9-11-7 directs that parking rates must first be approved by the Common Council before they become effective.

05/24/06 Committee Action: Not Introduced

06/07/06 Regular Session Action: Pending

June 2, 2006

In the Council Chambers of the Showers City Hall on Wednesday, April 6, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 6, 2005

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Ruff gave the Agenda Summation.

AGENDA SUMMATION

The minutes of Special Session of March 30, 2005 were approved by a voice vote.

APPROVAL OF MINUTES

Chris Gaal announced that the community radio station WFHB was having their fund drive this week and urged people to participate.

REPORTS:
COUNCILMEMBERS

Sturbaum promoted the Hoagie Carmichael Sculpture Project.

David Sabbagh provided a synopsis of the Bloomington Life Sciences Partnership which held an event entitled, Building Regional Innovations Through Partnerships. He explained that the goal of the event was to provide a network of discussion between central Indiana leaders. He offered a website for further review, www.bloomingtonlifesciences.com.

Dave Rollo announced the dates and details for upcoming community events including the School of Public and Environmental Affairs symposium entitled Global Climate Change Effects on Natural and Human Systems.

Andy Ruff announced that the Bloomington Alternative Newspaper was going to print.

Marin McGrane of the Mayor's Office introduced Bet Savich from the Community and Family Resources Department.

▪ MAYOR and CITY OFFICES

Savich welcomed the members of the Teen Action Project in the audience. She introduced Julia Wilson and Abraxas Segundo and read a proclamation from the mayor.

Wilson addressed issues regarding Bloomington's homeless population.

Segundo noted details about the upcoming Homeless Bound Walk and thanked the mayor and the council for their support on the project.

Wilson and Segundo then took turns reading from the mayor's proclamation.

James McNamara, Deputy Mayor, followed up with complimentary comments regarding the work of these teens and provided details on upcoming events to increase awareness of homelessness in Bloomington.

McGrane introduced Duncan Campbell.

Campbell, member of the Historic Preservation Commission, reported that the commission rewarded Joe Harrell for his contributions to the community that have enhanced the development of downtown Bloomington.

McGrane said that the final report that would be provided by Danise Alano, Assistant Director of Economic Development, Kate Mobley, the sustainability intern from the mayor's office, and Ron Walker, Director

of Economic Development.

Mayor and City Offices (cont'd.)

Alano discussed the events during the month of May that advocated for citizens' awareness about global environmental issues. She thanked the organizations that were involved in helping the city coordinate the events. Alano also offered a website that would provide further details, www.bloomington.in.gov/mayor.

Mobley outlined details of events that highlighted Bloomington's and Indiana University's dedication to creating a better environment for future generations.

Walker presented the annual tax abatement report. He announced that there could be a supplemental review later in the summer for abatements that needed extra time. He made recommendations for substantial compliance of all the projects that filed a CF-1 form. Walker reminded the council of their legal role in determining substantial compliance and then preceded with the details and statistics of the complaint abatements.

▪ TAX ABATEMENT REPORT

Rollo asked about the measure used to gauge substantial compliance. He offered the Johnson Creamery project as an example of a substantial compliance that was touted as exemplary. He asked Walker to provide future reports that contain a rating scale to help assess the gradation between mediocre compliance and excellent compliance.

Walker said that currently the review was empirical. He said that there was not a rating system but agreed that attention could be varied and brought forth for projects that have excelled in certain arenas of criteria and offered to work on that for future reports.

Rollo clarified that his interest in this information was to improve the quality of future abatements granted by the city.

Rollo then asked Walker to repeat his explanation for not reaching the estimated employment for the Hirons Investment abatement.

Walker repeated that at the time of the approval, the project regarded Hirons Investments and that they had estimated their employment would reach 30 additional employees. Walker explained that this year Hirons Investments only reported 9 new employees but that the other new workers were employed on the premises of the Hirons Investments building.

Sturbaum requested that for future abatement reports pictures be made available.

Ruff asked for clarification regarding the 20-25 employees at the Hirons Investment site.

Walker confirmed that the 20-25 new employees at the Hirons Investment site did represent new employment to the community.

Ruff asked Walker to address how the council might weigh in on why it would matter if the McCoy-Gables project was condominiums or rental units.

Walker said the original intention of the project was to build owner-occupied housing. He continued that the project could not be completed as intended, and as such, the new inherits of the project needed to change the intention to rentals. He offered that substantial compliance had been awarded to this project because the law grants latitude for a project if the owner made a good-faith-effort, which was considered to

be the case with respect to this project.

Tax Abatement Report (cont'd.)

Ruff asked for clarification about the Thickstun Glass Project in which the owner was not working towards affordable housing but the abatement was approved.

Walker recited that when the project was approved the owner listed there would be three affordable rental units. Walker continued that the owner provided rental rate information last year that qualified under HAND's affordable rate or was very close. He emphasized that the rental units were only a part of the project as a whole, citing the main intent was the renovation of a blighted building.

Ruff asked to be provided rental rate information stated in terms of its affordability as relative to other affordable programs.

Gaal moved that Walker present his supplemental report regarding the remaining CF-1 forms for improvements to real estate and investment in new manufacturing equipment on June 15, 2005 and that the report be filed with the council office by June 6, 2005. He continued that after the supplement report had been presented, the council would make an initial determination regarding the status of these tax abatements.

Dan Sherman responded that the best course of action was to accept the report, and once the motion had been introduced, then the council could make comments and end with a vote.

A motion was offered and seconded for the council to accept the tax abatement summary as amended by the previous motions of council

Duncan Campbell offered his experience with how to assess the impact of tax abatements and how that might not occur for some time after a project has been completed.

Sturbaum expressed an interest in being made privy to Walker's response to Campbell's question.

Rollo offered his agreement with Sturbaum yet cautioned that projects are not necessarily stalled when they do not have the aid of a tax abatement. He reiterated his earlier concern that the value of a project must be carefully weighed in order to assess the benefit to the community.

Gaal commented on concerns raised by Sturbaum and Rollo, stating that he believed their comments and questions were very important and respected their pursuit for a more robust viewpoint on the evaluation of measuring a tax abatement's value to our community.

Mayer added that one of the difficulties of quantifying the value of the projects is the vagueries of the market.

Banach spoke on the council's ability to review abatements on an individual basis and commented that he believed a thorough job is done analyzing the merits of every abatement.

Ruff added that the city has received a lot of complaints when the council takes action, like with tax abatements, that some citizens consider obstructive to the growth of the economic market and he emphasized that these abatements are an example of how the council meddles with the economic market.

The Tax Abatement Report was approved by the council.

There were no council committee reports.

There was no public input.

There were no appointments to boards or commissions.

It was moved and seconded that the Ordinance 05-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 4-0-4. It was moved and seconded that Ordinance 05-10 be adopted.

Marsha Veldman, Community Events Coordinator for Parks and Recreation, reiterated the intent behind the change to the code regarding lunch wagons. She mentioned that lunch wagons are an increasing threat to the integrity of the Farmer's Market and said that the Parks and Recreations Department believes that this issue should be dealt with sooner rather than later.

Mayer asked how many lunch wagon permits are currently circulating

Veldman did not have a response.

Sturbaum asked Veldman to elaborate on how lunch wagons were a growing problem.

Veldman responded that previous years show no activity on the periphery of the market. She stated that last year there were two vendors that annexed themselves to the periphery and sold every weekend of the market. She said there were at times as many as 5 vendors. She offered that at glance, the vendors did not pose a problem, but taken as a whole and applied throughout the whole market season, she said they act as parasites, leeching off the revenues generated by the Market.

Sturbaum asked how the lunch wagons compete directly with the vendors inside the market.

Veldman said that some of the lunch wagons were competing directly, for example the coffee truck vs. The Market Café.

Sabbagh asked if knowledge was held about the actual fiscal impact to vendors committing to the Market.

Veldman responded that no statistics were available to represent the actual fiscal impact to Market vendors by the peripheral lunch wagons.

Sabbagh asked where the money paid by Market vendors goes.

Veldman offered that the City receives a percentage on what The Market Café and The Bread Vending stall. She informed that the farm vendors and craft vendors pay a flat fee. She stated that that money goes into a non-reverting account that helps to support the market, market staff, buy supplies, and pay advertising.

Sabbagh asked Veldman is she was aware of other locations in the city where protections are in place for establishments like the Market.

Veldman was unsure.

Rollo reiterated Veldman's answer that it could not be determined whether or not revenue had been lost, but asked if complaints had been issued by Market vendors.

- COUNCIL COMMITTEES

- PUBLIC INPUT

BOARD AND COMMISSION
APPOINTMENTS
LEGISLATION FOR SECOND
READING

Ordinance 05-10 To Amend Title 4 of The Bloomington Municipal Code Entitled "Business Licenses Generally" (Amending Chapter 4.04.110 Entitled "Lunch Wagon" by Disallowing Lunch Wagons from Operating Near the Farmers' Market When the Market is Open)

Veldman said that some complaints had been received but that vendors are busy and not privy to what is going on along the periphery.

Ordinance 05-10 (cont'd.)

Rollo reiterated Veldman's comment that not establishing these rules could lead to disintegration of the market. He asked if studies had been done with other communities in similar settings and whether data could be pulled from those studies to help establish this ordinance.

Veldman reported that she has visited other markets and believes that the character of a market is diluted when peripheral lunch wagons are present.

Steve Volan asked for figures on direct revenue that the city derives from the market.

Veldman answered with \$32,500.

Volan asked what percentage of that dollar amount is from fees paid by market vendors.

Veldman responded that the above mentioned revenue is almost entirely yielded from fees paid by vendors. She cited that approximately \$1,000-\$2,000 is generated from items sold that promote the market such as water bottles and t-shirts.

Volan asked if vendors are obligated to report their gross revenue derived from sales in the market.

Veldman responded that the only vendors under that obligation are the Café and Bread Stall.

Volan reiterated comments made by Veldman in which she expressed the concerns that allowing peripheral wagons created a flea market appearance and pressed for an answer to clarify that the ordinance before the council was to specifically address lunch wagons.

Veldman responded affirmatively.

Volan commented that if worries regarding the appearance of the market were a concern, would it not be prudent to be concerned with other types of potential vendors as well.

Veldman responded that the other types of vendors observed along the outskirts of the market are already covered under a different ordinance.

Volan asked for the enactment of enforcement of the ordinance.

Veldman responded that market staff would be responsible for alerting those not in compliance with the ordinance.

Volan summarized Veldman's comments and asked why or how the market administration decided that only one food vendor would be allowed.

Veldman responded that the food vendors currently allowed were relocated with the Market once it was established they were beneficial to the attendees. She stated that the Bread Stall was added at a later date and strategically placed to improve customer circulation.

Volan asked who would entertain the notion if a prepared-food-items-vendor approached the market with an original idea.

Veldman answered that two locations were currently established for

food vendors and that new inquiries were rejected. Veldman described the Farmer's Market Advisory Council made up of 9 members, 3 being vendors, 3 being customers, and 3 representing businesses.

Ordinance 05-10 (cont'd.)

Volan asked for a demographic of the 3 vendors that are on the advisory council.

Veldman responded by stating that the category of business representative is the hardest to fill. She noted that currently none of the members represent food establishments.

Volan hypothesized that if a person wanted to setup a food cart on the SW corner of 6th and College would the Bakehouse have any opportunity to object. He emphasized that he wanted to know if food carts in general were able to set up anywhere along a city right-of-way.

Veldman responded affirmatively.

Sabbagh hypothesized with a question that asked what would happen if he setup a corner stand to sell basil.

Veldman responded that that was covered under a different ordinance. She further explained that if the ordinance before the council tonight were to pass, a person would not be able to setup and sell basil, but that currently a person could do that.

Mayer asked about how the city handled speaking with the property owner of the parking lot south of the Farmer's Market.

Veldman said that discussions were established resulting in the decision to not allow persons to sell in that parking lot.

Sherman read from the ordinance governing lunch wagon permits, stating that licensees can not create an impediment to the free flow of traffic, including sidewalks.

Sturbaum asked if the Parks and Recreation Department had considered a regulatory solution rather than an outright ban.

Veldman responded that the future may result in an expansion of vendors outside of the market.

Volan asked if a representative from Bloomingfoods was in the audience. None available.

It was moved and seconded that Amendment #1 to Ordinance 05-10 be adopted.

Mike Renniessen, Director of Parks and Recreation, summarized the amendment.

Rollin Suthers, resident and shrimp vendor, commented that his sales are part time and enjoyable. He expressed his happiness at being a part of the community. Suthers described his work that prepares him for the Farmer's Market and offered details on the origination of the seafood that he sells. He recited the fees he has paid and the steps he went through to receive his license and food clearance. Suthers said he believed that the growth of the Farmer's Market could be promoted by allowing additional vendors in the vicinity, as well as in the stalls, at the market. He also noted that his request to be a part of the Farmer's Market was denied.

Amendment #1 to Ordinance 05-10
This amendment expands the boundary in which licenses are prohibited from operating lunch wagons during operation of the Farmer's Market by including the area between Sixth and Seventh Streets from College to Rogers and the area on Madison from Sixth to Seventh Streets. The amendment also corrects the title of the ordinance by changing the reference from "Chapter" to "Section" in the ordinance's subtitle.

Amendment #1 to Ordinance 05-10 received a roll call vote of Ayes: 6, Nays: 3 (Sturbaum, Sabbagh, Banach).

Vote on Amendment #1 to Ordinance 05-10

Public comment on Ordinance 05-10 as amended:

Lee Jones, market vendor, spoke about the history and formation of the market and stated that if regulations were not used to protect the quality of items sold, that vendors would purchase items wholesale and then resell them at the market. She said that this disregard to the place of purchase or quality of the product undercuts a farmer's efforts. Jones outlined the contract that vendors sign with the city and said that the contract limits the kind of competition a vendor is allowed to undertake at the market.

Cynthia Brenheim, expressed her discomfort with the ordinance stating that she believed the ordinance was based on fear and that other vendors would increase the aesthetic and economic aspects of the market.

Suthers addressed the council again and stated that he visits the farmer's market because of the quality of food, not the price.

Banach asked if all the sellers at the Market are individuals, families, or companies.

Veldman said that all sellers were family operated business.

Banach inquired if vendors are affected by the Living Wage Ordinance since they sign a contract with the city.

Veldman said she did not know.

Banach admitted that the question was rhetorical, commented on how difficult the issue was and expressed his intent to vote against the proposed ordinance.

Diekhoff recited his comments from the previous week and included that he would support the ordinance but wanted more information on the studies being done on expanding the market.

Gaal said that the growth of the market was apparent but urged people to look at how it has grown. He said that it was important not to lose sight of the purpose and original intention of the market. Gaal complimented the Parks and Recreation Department and said that their decisions affecting the development of the market had always been reached through very careful consideration. He concluded that the market was a unique establishment with an environment purposefully different from flea markets and fairs.

Sturbaum concurred with Gaal and said that it is the responsibility of the Parks and Recreation Department to protect the original intent of the market. He did caution that the ordinance at hand might be pruning the market too much and offered a vision where the market would be allowed to conform to the unique character of the community.

Sturbaum suggested that periphery vendors could be judged individually, instead of banning them all together. For example, he pointed out that fresh shrimp is not sold inside of the market and contended that it could be allowed. He recommended that the city take one year to study the periphery of the market and decide how it could best enhance community interaction without losing the heart of the market's intent.

Volan added that valuable information and studies could be performed on the effects of the peripheral activity. He asked if harm is really done

by a periphery vendor selling an item that is not sold in the market proper.

Ordinance 05-10 (cont'd.)

Sabbagh said that if competition was a true concern, the ordinance could be extended to limit sales at grocery stores during market hours. He admitted that he was being sarcastic and said that he does not believe the market needs this protection and that he would not support the proposed ordinance.

Rollo said that he believed the request from the Parks and Recreation Department was proactive and necessary. He urged fellow councilpersons to see the importance of the ordinance and support it.

Mayer said he believed that the ordinance did not fully explore the issue of lunch wagons and how to regulate them. He stated that he feels uncomfortable regulating the activity around the farmer's market in this instance. He offered the solution of working with private property owners within the vicinity of the market to limit commercial activity on those privately held properties. Mayer advocated Sturbaum's recommendation of holding off for a year to reexamine the situation.

Ruff noted that the potential for the market to become something other than originally envisioned was possible. He admitted to feeling persuaded by the remarks made by outside vendors and remarked that the crux of the issue is that any change in policy will result in winners and losers. Ruff also said He said that he is interested in the ideas of other councilpersons that regard the expansion of other vendors into the market.

Volan reiterated his interest in receiving documentation showing that lunch wagons that do not compete with market vendors are problematic for the market. He speculated whether or not all peripheral businesses would have a negative impact on the market.

Ordinance 05-10 received a roll call vote of Ayes: 4, Nays: 5 (Sturbaum, Mayer, Sabbagh, Volan, Banach).

Vote on Ordinance 05-12 as Amended

It was moved and seconded that the Ordinance 05-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0. It was moved and seconded that Ordinance 05-09 be adopted.

Ordinance 05-09 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" To Establish a Historic District – Re: Brick Streets in University Courts (Bloomington Historic Preservation Commission, Petitioner)

Nancy Hiestand of the Housing and Neighborhood Development Department spoke about the ordinance and displayed photos. She outlined the areas under consideration, gave details about the chronology and history of the area and emphasized its historical significance.

Rollo asked if snowplowing concerns would be created.

Hiestand said that potential damage could be possible.

Ordinance 05-09 received a roll call vote of Ayes: 8, Nays: 0 (Diekhoff absent)

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 05-11 To Amend Title 9 of the Bloomington Municipal Code Entitled "Water" (Rate Adjustment)

Ordinance 05-11

Ordinance 05-12 An Ordinance Concerning the Construction of Additions, Extensions and Improvements to the Waterworks of the City of Bloomington, Indiana, the Issuance of Revenue Bonds to Provide the Cost Thereof, the Collection, Segregation and Distribution of the Revenues of said Waterworks, the Safeguarding of the Interests of the Owners of said Revenue Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith

Ordinance 05-12

Ordinance 05-13 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: "The Home Laundry Building at 300 East 3rd Street (Bloomington Historic Preservation Commission, Petitioner)

Ordinance 05-13

There was no public comment.

PUBLIC INPUT

The meeting was adjourned at 10:55 pm.

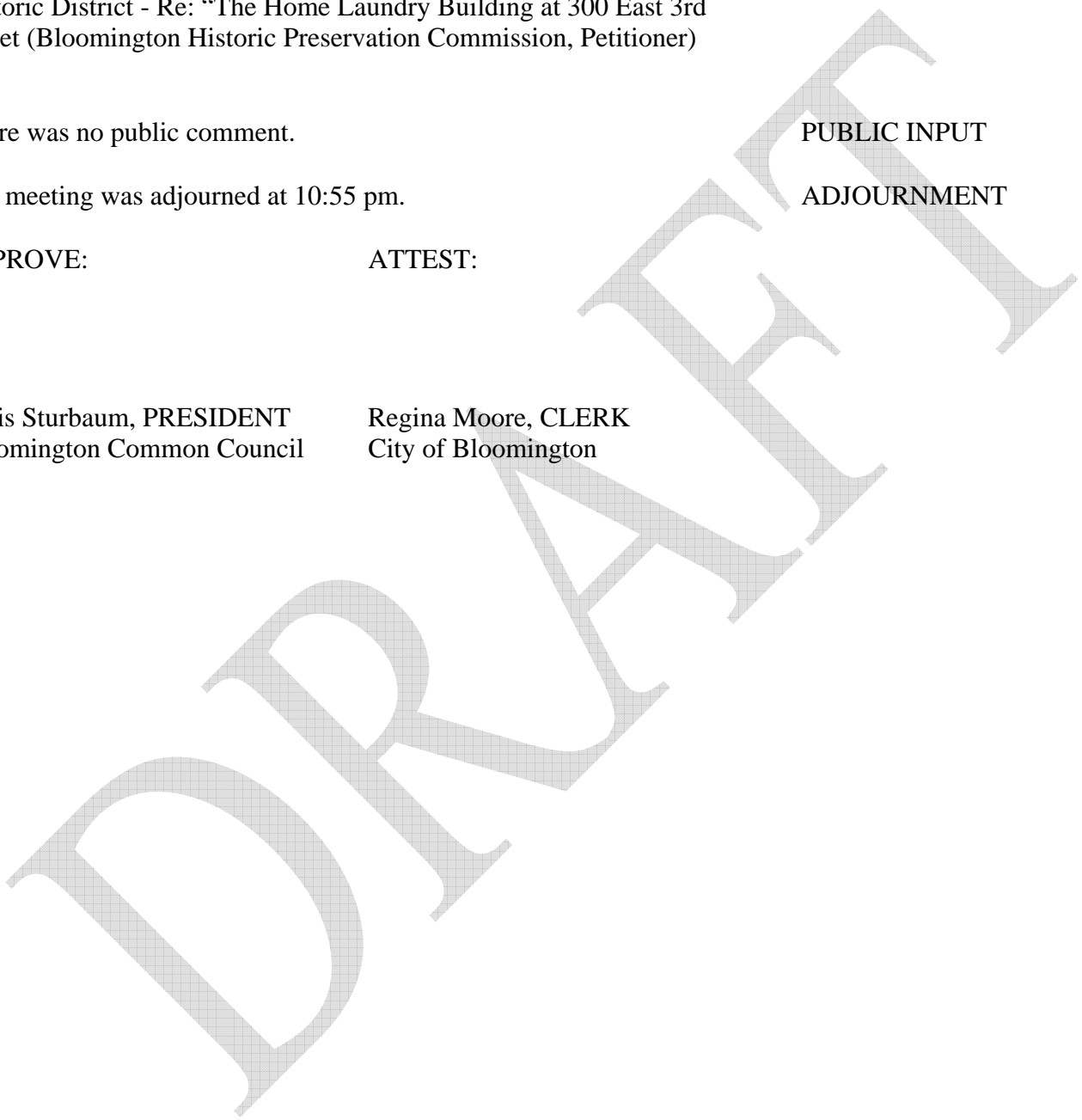
ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington



In the Council Chambers of the Showers City Hall on Wednesday, April 20, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 20, 2005

Roll Call: Banach (arrived at 8:50 pm), Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The memorandum of the April 12, 2005 Executive Session was approved.

APPROVAL OF MINUTES

Chris Gaal announced a rally to promote the protection of social security.

REPORTS:

- COUNCILMEMBERS

Chris Sturbaum provided details for the “conceptual” unveiling of a Hoagy Carmichael statue. He included information on an event to occur at Tutto Bene to raise money for the statue. Sturbaum also spoke about the Bloomington Advocacy Fair at Harmony School and said that the focus of the event would be on civil liberties. He concluded by announcing that Amy Goodman, host of Democracy Now radio show, would be visiting Bloomington.

Steve Volan announced that he planned to interview Randy Carmichael on WFHB and speak about his upcoming performance. He also acknowledged Reggie Miller’s last game for the Indiana Pacers.

David Sabbagh spoke about the recent Bloomington Economic Development Corporation meeting and complimented the Purdue presentation and the Discovery Park being implemented in West Lafayette and Tippecanoe County.

Dave Rollo provided a website for events occurring in Bloomington to recognize Earth Day, www.bloomingtreetree.org.

There was no report.

- MAYOR and CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC INPUT

There were no reports from council committees.

There was no public comment.

Andy Ruff announced current vacancies on city boards and commissions and encouraged citizens to apply.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 05-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-0-2. It was moved and seconded that Ordinance 05-11 be adopted.

LEGISLATION FOR SECOND READING

Ordinance 05-11 To Amend Title 9 of the Bloomington Municipal Code Entitled “Water” (Rate Adjustment)

Patrick Murphy, director of utilities, outlined the proposed ordinance and anticipated expenses that would necessitate a rate increase in water costs. He reported that on March 21, 2005 the Utility Service Board approved this proposal 5-0. He explained that the aforementioned ordinance contained four elements, three of which were capital projects. He said that the fourth element was for operations and maintenance costs, which would address the increased costs of salaries, FICA, pension, and PERF.

Sabbagh asked about the irrigation rate and generated revenues, to which Murphy gave the figure of \$301,000.

Sabbagh noted that if the current irrigation rate was not in place then users would pay the normal applicable rates.

Sturbaum asked for an explanation of the unexpected repairs. Murphy provided information on recent improvements to the water treatment plant. He also added that the terrorists' attacks on September 11th, 2001 increased governmental concerns over protecting community water sources.

Volan asked for an estimate of the volume of water required to irrigate city parks. Murphy did not that information readily available but noted that the Parks and Recreation Department was a water customer.

Rollo asked for clarification about the water main that would be moved along the 45/46 Bypass in order to accommodate the Indiana Department of Transportation's improvement of the road, specifically asking if a new main would take its place or if the existing one would simply be moved. Murphy responded that the pipe would be new since the current one has been in place since 1956.

Public comment:

R.D. Jones spoke as representation council of eleven customers of City of Bloomington Utilities (CBU). He referred to his appearance at the council committee meeting the week prior and requested that his documents be made a part of the official record. Jones expressed that the position of his clients was that the rate increase was not applied uniformly, justly, and non-discriminatorily because it applied only to 250-300 people who have separate meters dedicated to irrigation. He stated that his hope was to address not only the application of the irrigation rate but the validity of the rate itself. Jones said that he and his clients were promised an open ear by the CBU when the issues of rate increases were to be discussed. He said that neither he nor his clients were contacted to make good on that promise. Reading from a report, he called to question the non-discriminatory fashion of the distribution of the rate categories and expressed his hope that the council would imbue themselves with the details of the report to glean a full picture of the information before voting on this rate increase proposal.

James McNamara, deputy mayor, reminded the council that the ordinance being addressed was not to establish the irrigation rate, as that ordinance was passed in December 2001, but rather a rate increase for all the rates that are applicable to CBU water service. He offered details on the procedure known as "cost of service" studies which help to determine water rates.

Volan asked the deputy mayor about what incentives a builder would have for installing an irrigation meter at a new construction site. McNamara confirmed that service in this situation is a choice and that most people opt to install an irrigation meter to avoid paying an additional wastewater charge.

Rollo asked, hypothetically, that if the court case was ruled in favor of the plaintiffs, if those costs would be incorporated into the proposed rate increase. McNamara said no.

Rollo further asked if the anticipation of losing the litigation and being forced to pay would have played into the making of this proposed rate increase. McNamara emphasized that the priorities of the CBU were clearly linked to the proposed rate increase and that preparing for the possibility of losing the litigation was not a factor.

Rollo asked if the planned CBU capital improvements would be fiscally

effected by a court ruling in the plaintiffs favor. McNamara responded that he was uncertain at this time what the outcome would be.

Ord 05-11 (cont'd)

Public comment:

Michael Kaczorowski, resident and horticulturist, offered his personal experience with landscaping and irrigation. He stated that the ability and technology exists to maintain a healthy stand of grass without using a large volume of water.

Sturbaum commented on the importance of the city's role to provide water.

Volan described his experience with Prairie Park, a natural grassland park. He expressed his interest in discovering more sustainable solutions to the city's water needs.

Rollo expressed his support for the ordinance and the reasons given by the CBU for the rate increase.

Sabbagh expressed his support and voiced his uneasiness with the irrigation rate.

Mayer reiterated his comments from the previous week and noted that the quality of product delivered from the CBU is very high.

Ruff relayed his experience touring the water treatment plant. He added his agreement with Councilpersons Sturbaum and Sabbagh.

Ordinance 05-11 received a roll call vote of Ayes: 8, Nays: 0. (Banach had not yet arrived at the meeting.)

It was moved and seconded that Ordinance 05-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-0. It was moved and seconded that Ordinance 05-12 be adopted. Council member Banach said he would refrain from voting on this ordinance because he was not present at the Committee discussion of the item.

Rollo asked for a timeframe on the bonds.

Dennis Ottman, an attorney with Summer & Barnard Law Offices, stated that the timeframe was dependent upon how soon the Indiana Utility Regulatory Commission (IURC) would approve the rate increase and the financing. He estimated the timeframe to be approximately 8-9 months.

Banach explained that he would abstain from voting due to his absence during the council discussion.

Ordinance 05-12 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Banach).

It was moved and seconded that Ordinance 05-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 1-1-5. It was moved and seconded that Ordinance 05-13 be adopted. Nancy Hiestand of the Housing and Neighborhood Development Department spoke about the ordinance and noted that every two years an update is produced listing Monroe County properties that are on the National Registry. She referred to a map outlining historic properties and provided details about the properties.

Ordinance 05-12 An Ordinance Concerning the Construction of Additions, Extensions and Improvements to the Waterworks of the City of Bloomington, Indiana, the Issuance of Revenue Bonds to Provide the Cost Thereof, the Collection, Segregation and Distribution of the Revenues of said Waterworks, the Safeguarding of the Interests of the Owners of said Revenue Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith

Ordinance 05-13 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: "The Home Laundry Building at 300 East 3rd Street (Bloomington Historic Preservation Commission, Petitioner)

Banach asked for details on the abstention from a prior vote of the Historic Preservation Commission. Hiestand explained that one of the commissioners did not want to support a designation against the wishes of a property owner.

Rollo asked for more details on the Banneker Center. Hiestand responded that the Banneker Center originally educated children on issues such as segregation.

Sabbagh asked Hiestand to define the meaning of a property being placed on the National Registry. Hiestand explained that if a property is listed on the National Registry it is not guaranteed protection from demolition. She said that a property listed on the Registry may qualify for incentives for rehabilitation.

Mayer asked for details on the demolition of a building after it has been designated historic but proved to be not feasible for reconstruction. Hiestand gave details of a Certificate of Appropriateness.

Rollo asked about potential tax benefits from the National Historic Registry with respect to the city's CREED district. Patricia Bernens, city attorney, responded that the area is designated by the state on recommendation from the city. She informed the council that the designation allows for a 25 percent tax credit for certain qualifying investments, including non-residential development.

Mayer asked if grants or other programs existed that could help address environmental issues of the property. Bernens responded that while she is familiar with some programs that exist she did not have specific details.

Sabbagh asked for clarification on resources for help with hardships. Hiestand responded that an individual who needed to declare a hardship could apply for a Certificate of Appropriateness for demolition and then make the case. She continued that if the Historic Preservation Commission denied that request, then there is another provision that allows the property to be placed for sale, at fair market value, for 9 months. She informed the council that if the property was not sold, then a demolition permit could be issued.

Diekhoff asked if any hardships were known to have been filed. Hiestand reported no hardships have ever been filed.

Michael Flory, assistant city attorney, relayed details regarding a hardship application. He informed the council that a property owner must demonstrate that they have made a good faith effort to sell the property. He stated that presentations must be made to the Historic Preservation Commission.

Banach asked Flory about the review process and parties involved. Flory read from the language of the ordinance on the matter and clarified that the Monroe County Building Department and the Planning Department would be involved members if a Certificate of Appropriateness was not approved.

Sturbaum described his recent tour of the buildings.

Public comment;

John West, commercial broker, stated his approval of historical preservation, but urged the council to explore more thoughtful preservation.

Jan Sorby, resident and neighbor of the property in question, offered her support for placing the property on the National Historic Registry. Ord 05-13 (cont'd)

Carol Krause, editor of the Herald Times's Home section and member of the Historic Preservation Commission, described examples throughout the city of structures that once gave the impression of being without hope, but have been infused with new life and serve as interesting and functioning structures.

Ron Burchart offered his support for the designation of the Home Laundry building.

Deb Backus, neighbor of property in question, spoke in favor of its preservation and against its demolition.

Jeannine Butler, member of the Historic Preservation Commission, offered her support for the historic designation of the property.

Rebecca Burchart, member of the Historic Preservation Commission, offered her willingness to trust the council's actions on this proposed ordinance.

Jeff Fish suggested the dedication of community resources for historical preservation.

Steve Wyatt of Bloomington Restorations explained the tax credits in further detail.

Ron Burchart spoke about tax credits and conjectured about the involvement of Indiana University.

Rollo responded to Fish's comments by explaining the work done by the council to establish downtown economic developments and other community endeavors that benefit property owners of the community. He said that this property was located in a prime area for tax credits and voiced his verbal support for this ordinance.

Gaal reiterated that the architectural significance of structure was at the heart of the issue. He expressed his concern over the potential economic hardship for the property owner but stated his belief that the best course of action for the council was to not consider the economic hardship to the owner but rather the architectural significance to the community.

Mayer voiced his verbal support but expressed concern over the environmental and structural issues that could be costly for the current or future owners to resolve.

Diekhoff thanked John West for his comments and expressed support for the ordinance. He said he agreed with Gaal's comments, noting that he believed the building had a chance.

Volan expressed his opinion that the possibilities for the property are endless and noted its value to the downtown area.

Sabbagh expressed his belief that downtown properties have increased in value because property owners have invested in their properties. He stated his concern for the land use of the property and said that he believes the land would be better served by redevelopment.

Sturbaum said that the tour of the property provided him with great insight into the property's full potential.

Banach stated that an owner's wishes should be an important factor in deciding a designation of this sort, but are not always the sole deciding factor. He addressed comments that he considered to be misconceptions regarding other rehabilitation projects and said that deep pockets and tax payer money were required to take on many local projects that were referred to earlier. He noted that the people involved with this property were unsure of the monetary value required and urged the council to consider the economic realities. He said that his support would lie with the property owner.

Ord 05-13 (cont'd)

Ruff expressed his support for the ordinance. He shared his vision that this property could have a lasting impact on the historic themes of the downtown community. He stated that he had a keen interest in the exploration of ideas, like tax abatements, that the city could offer as a way to help with these endeavors.

Ordinance 05-13 received a roll call vote of Ayes: 7, Nays: 2 (Sabbagh, Banach)

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 05-14 To Amend Chapter 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Amending Chapter 15.26 "Neighborhood Traffic Safety Program" in Order to Authorize Traffic Calming Devices on East Azalea Lane between Wylie Farm Road and Highland Avenue)

Ordinance 05-14

Ordinance 05-15 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Adopting Section 2.12.100 entitled "Bloomington Commission on Sustainability")

Ordinance 05-15

There was no public comment.

PUBLIC INPUT

The meeting was adjourned at 10:37pm

ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, March 22, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 22, 2006

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

The minutes of February 1, 2006 were approved by a voice vote.

APPROVAL OF MINUTES

REPORTS:

Jason Banach informed students and their instructors who were in attendance that they had chosen a short meeting of the council to attend. He said that all council members had students in their districts and that they should not hesitate to contact them if they had any questions.

▪ COUNCILMEMBERS

Chris Gaal said a strategic plan by the Indiana Department of Natural Resources (DNR) that called for quadrupling logging in state forests was announced without any opportunity for input. He said there was little analysis done about the economic impact on either the costs or the benefits of increased logging. Gaal said there is a state statute that requires the DNR to do an environmental analysis, but that the law had been ignored. He said that a group of citizens recently filed suit against the DNR regarding this state statute. Gaal noted that a state legislator had introduced an amendment to an unrelated bill that exempted the DNR from this environmental law, and that our local representative, Matt Pierce, worked hard to get this amendment withdrawn. He said that that the law was passed, despite Pierce's efforts. Gaal summarized his disappointment and expressed his belief that this was another example of bad public policy from the State of Indiana.

Dave Rollo thanked Councilperson Gaal for his report. He read from an economic report that stated that President Bush had increased the national debt to \$9 trillion and spoke about various policy makers' positions on attempting to understand the magnitude of the nation's debt. He cited from a report that the nation's war spending was up 44% to \$9.8 billion a month. He noted that this financial burden would be placed on future generations.

Steve Volan talked about the recent deaths of restaurant owner John "Janko" Pouch and market owner Bud Farris. He also advocated saving the fraternity house on East Third Street from demolition.

David Sabbagh relayed details of his recent trip to Chicago and Milwaukee. He remarked on how well old architecture was blended with the new. He also mentioned how impressed he was with the new technologies at the local Shulte plant.

Tim Mayer provided a history of Farris Market. He also noted the recent passing of David Porter and talked about the composting work he did on his property. He encouraged city involvement in implementing ways to handle organic waste. Mayer also provided his support for the Homeward Bound Project.

Chris Sturbaum gave his appreciation to Councilperson Sabbagh for his comments on architecture. He also remarked on the new markets that have cropped up downtown.

James McNamara, Deputy Mayor, noted the City support of the Homeward Bound Walk and introduced Vickie Provine.

▪ MAYOR and CITY OFFICES

Provine, HAND's Program Manager, provided a history about the 4th annual Homeward Bound Walk to promote awareness and help fight homelessness. She gave details about the upcoming walk.

Bet Savich, Director of the Bloomington Volunteer Network, noted the graphic displays in the City Hall atrium and provided details on the artists and discussed how the displays were being used to promote volunteerism. She also announced the Heart and Hand Awards, a community wide volunteer recognition program.

Julie Geltmaker, Community and Family Resources Intern, spoke about the Teen Action Project and provided details about their recent funding awards.

There were no council committee reports.

Jeannine Butler, member of the Historic Preservation Commission, read an encomium for Matt Reckard, an advisory member who was leaving the commission. Reckard received the encomium and expressed his gratitude.

Gabe Rivera, member of Grass Roots Alliance for Constitutional Empowerment, offered information on the current approaches to reducing recreational drugs and crime.

Scott Wells thanked councilpersons for their efforts to save historical properties in the community and efforts made to inform the public about peak oil.

Emily Cheney, Indiana University student and resident, informed the council of a petition she is spearheading that would propose the reduction of Coca-Cola soft drinks at the university and replace them with kiosks staffed by students offering Blue Sky sodas.

Joanne Stuchen, a Martinsville resident, spoke of her opposition to the demolition of the Kappa Sigma house.

Marlene Newman, member of the Historic Preservation Commission, offered support for Stuchen's comments and advocated for dialogue between IU and the city about the Kappa Sigma house.

There were no appointments made at this meeting.

It was moved and seconded that Resolution 06-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Resolution 06-04 be adopted.

Lisa Abbott, Director of Housing and Neighborhood Development (HAND), outlined the block grant and provided the total dollar amount for the fund, \$157,438. She relayed some details on the disbursement of the funds as proposed.

Sturbaum asked for Abbot to explain the funding allocation decisions and factors in deciding disbursement for the benefit of the students in attendance in this evening's audience.

Abbott described the Citizens Advisory Council composition and the roles of the subcommittees that review the applications. She provided examples from past funding recipients and noted this year's recipients and their projects. She emphasized the important role this grant plays in

■ COUNCIL COMMITTEES

■ PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Resolution 06-04 – To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2006

the health of our community.

Resolution 06-04 (cont'd.)

Rollo addressed the funding cuts to this program from the federal government and noted the significant financial burden those cuts created for the community.

Sabbagh offered details about the agencies involved in the fund distribution for the audience members. He advocated for volunteers to help at these agencies and thanked HAND for facilitating the process.

Gaal clarified that the block grants come from federal funds that are distributed by local governments. He also described the council's social service fund entitled the Jack Hopkins Fund.

Rollo noted that other communities that were not as fortunate as our community to have their own social service funding program. He said they are helpless against this type of federal social service funding cuts. He offered his thanks to HAND for their work on this effort.

Banach voiced his support of the resolution. He advised that federal and state administrations can be scrutinized in multiple ways and offered himself as a resource for discussing the objectives of those departments.

Sturbaum spoke of the general reductions in federal, state, and local funding for social services.

Resolution 06-04 received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation for first reading at this meeting.

LEGISLATION FOR FIRST
READING

It was moved and seconded to suspend the rules to consider an item not on the agenda.

Motion to Suspend the Rules

It was moved and seconded to cancel the Committee of the Whole meeting of March 29, 2006 since there was no legislation ready for consideration for that meeting.

Cancellation of Committee of the
Whole meeting of 3-29-06

The motion received a roll call vote of Ayes: 9, Nays: 0.

There was no public input.

PUBLIC INPUT

The meeting was adjourned at 9:20 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, May 17, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 17, 2006

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

The minutes of May 18, 2005 and April 5 and May 3, 2006 were approved by a voice vote with one correction.

APPROVAL OF MINUTES

Jason Banach noted that the replacement activity for the annual budget 'retreat' was held immediately before the council meeting, and is now termed the budget 'advance.' He noted that the 2007 budget was discussed and he was pleased to hear that the administration was going to emphasize basic public services and infrastructure with public safety as a priority. He said the budget hearings in July would have few frills and he looked forward to productive discussions.

REPORTS:

▪ COUNCILMEMBERS

Mike Diekhoff said he attended the dedication of the new playground in Cascades Park along with Councilmember Mayer. He congratulated the Parks and Recreation Department and invited everyone to visit the park.

Chris Gaal noted that the Parks and Recreation Department had published their pocket-sized listing of the summer concert series and invited everyone to get one and visit one of the lunch concerts and events this summer.

Dave Rollo briefly reported on an Energy and Sustainability Conference which concentrated on the topic of peak oil. He noted the national and international officials that attended the conference and said he would have a full report for the council as they supported his travel to Washington, DC for the conference. He said his report would indicate that there was much evidence that humans have altered the climate, that a global peak in petroleum production would likely occur in the near future, and that humans need to consider mitigation efforts immediately.

Steve Volan noted that he continuously meets citizen with good ideas regarding entrepreneurship. He invited anyone who wanted to create something interesting regarding social services or arts, to contact him.

David Sabbagh read an article from the previous week's newspaper regarding local students attending an international science fair in Indianapolis. He said local educators wanted to take students but funds were not available for field trips. He applauded the Bloomington Economic Development Corporation (BEDC) for spearheading a drive to find funding needed for busses to transport students to the event. He noted that a thriving business community benefits the entire community.

Tim Mayer noted the passing of local businessman Victor Settle. He also noted the recent children's park dedication in the Cascades Park. He encouraged citizens to visit there. He also thanked Joan Olcott for her contribution to the parks fund saying it would help children the most.

Chris Sturbaum also lauded the BEDC actions and said it was a good feeling that the community is pulling together in new ways.

Danise Alano read a proclamation from the mayor pronouncing May 20, 2006 as Science Olympiad Day in Bloomington in honor of the National Science Olympiad competition being held May 17-20, 2006 on the campus of Indiana University. Kathy Teige, Campus Events Coordinator from the College of Arts and Sciences accepted the proclamation and noted that 4500 students, coaches and parents from all over the country will be visiting the campus this weekend. She noted that the economic value to the community would be approximately \$2,550,000.

- MAYOR and CITY OFFICES

Mayor Kruzan said that the late Lloyd Olcott, former city council member, was a local statesperson who set an example for him which was that disagreement in political affairs was not a problem, but an appreciation that differing views could exist on issues. Kruzan noted the significant contribution of Joan Olcott and her late husband on the occasion of her donations to the Bloomington Parks and Recreation Foundation fund that will sponsor children's enrollment in programs this summer. He noted the presence of Joan, Board of Parks Commissioners president Mary Catherine Carmichael, Bloomington Community Parks and Recreation Foundation president Gayle Stuebe, Bloomington Parks and Recreation Foundation vice president Debbie Sibbit, and Scott Sayger and Rene Chambers with the Bloomington Community Foundation. He noted Mick Renneisen, Director of Parks and Recreation, Angela Parker and P.A. Mack were also present.

Kruzan noted that Joan Olcott had recently donated \$150,000 for the Lloyd Olcott Youth Endowment Fund which provides scholarships for youth. He said the Parks and Recreation Foundation established this fund in honor charter member Lloyd Olcott in 2001. He noted that 162 children received \$18,904 in scholarships for parks programming and lessons in 2005. Kruzan noted that Ms. Olcott further encouraged the foundation to participate in the Bloomington Community Foundation Matchstick Initiative by donating \$2500 to its new program. Kruzan said that because of the generosity of the Olcott concerns and donations Bloomington youth would benefit from programs not otherwise available to them.

Joan Olcott commented that every Wednesday night for 16 years, her family rushed through dinner so that Lloyd could get to the city council meeting on time, and noted that it was entirely appropriate that this announcement be made at the council meeting. She noted her pleasure at being able to make this donation.

Scott Sayger, Bloomington Community Foundation Development Director, spoke of the Matchstick Initiative program in matching donations to Monroe County United Ministries, the Bloomington Community Parks and Recreation Foundation, Lotus, and Middle Way House. He said for every three dollars these agencies received in donations, the Community Foundation would raise and distribute one dollar. He thanked Ms. Olcott for her recent donation.

Mary Catherine Carmichael, Parks and Recreation Board President, thanked Ms. Olcott for her generosity noting that her gift has graciously created many smiles and much happiness to children throughout the city. She thanked the mayor and council for honoring Ms. Olcott at this time.

There were no council committee reports.

- COUNCIL COMMITTEES

Marc Haggerty told the council that his electrical supplies have tripled recently. He noted that he, as a private contractor, could not compete against larger operations and said that this was a harbinger of things to

- PUBLIC INPUT

come in the economy. He noted economic difficulties in other countries and touched on the ill will in the southern part of the US regarding immigration. He said that citizens also needed to consider planting food locally for sustainability.

Public Input (cont'd.)

Gabe Rivera, representative of G.R.A.C.E, said a paradigm shift needed to be made in the 'war on drugs.' He read from Smoke and Mirrors: the War on Drugs and the Politics of Failure by Dan Baum. He repeated that the current approach to the war on drugs does not work in this community and said he would keep working to change that. He also read a selection from Vid Beldavs' study of Finnish prison systems.

David R. Grubb noted the pride of those who choose military service, noting that he enlisted in the military five days after he graduated from high school in 1957.

There were no appointments at this meeting.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Appropriation Ordinance 06-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Appropriation Ordinance 06-01 be adopted.

LEGISLATION FOR SECOND READING

Appropriation Ordinance 06-01 To Specially Appropriate From the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds From the General Fund for Animal Care & Control and Housing & Neighborhood Development)

Susan Clark, Controller, explained the Animal Care and Control division had received a grant from PetSmart for \$11,525 which they would like to use for two high pressure cleaning and disinfecting systems, a microscope, a digital camera, a tripod, and video equipment for training and education. She explained that \$411 of money appropriated for the Jack Hopkins Social Services fund budget line for 2005 was unused and the committee was requesting that it be reappropriated for this year.

There were no questions from council members, and no comments from the public in attendance.

Comments from the council included thanks from Mayer to the administration for taking the council's requests for the Hopkins fund money for this year as it was very much needed.

Sabbagh noted that the money was grant money and that it was being allocated for purposes for which it was intended.

Appropriation Ordinance 06-01 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 8-0-1. It was moved and seconded that Ordinance 06-09 be adopted.

Ordinance 06-09 To Amend the Title 11 of the Bloomington Municipal Code Entitled "Lakes and Reservoirs"- Re: Extensive Revisions to Chapter 11.04 Entitled "Lake Lemon"

Vickie Renfrow, attorney in the Legal Department, noted that the ordinance included significant updating of the code. She said that Lake Lemon and parcels around the lake are owned by the City of Bloomington Utilities (CBU) Department and the lake is considered a back-up water source for the city. She said that 11 years ago the CBU entered into a 50 year lease with the Lake Lemon Conservancy District which had just been created. She said that it is a political subdivision with taxing authority by state statute. She explained that the lease agreement provided that the Conservancy District would take over the management of the lake with the idea that it should be managed with

conservation principles so that it could be a water supply if needed. Renfrow said that the city was pleased that over the period the Conservancy District had done an excellent job considering the residents and users of the lake, and had formed policies to manage the lake and had been successful in seeking grant money for projects at the lake. She noted that the Bloomington Municipal Code was in need of update regarding this agreement and the subsequent policies and procedures that the Conservancy had developed. She noted that they had public meetings and board review for these changes that they now brought to be incorporated into the municipal code. Renfrow said that Angela Parker, counsel for the Conservancy District, Bob Madden, manager of the District and several board members were present for questions.

Angela Parker said the council packet explained the actions, but wanted to thank Renfrow, Dan Sherman, and John Langley.

Volan asked Parker for an explanation of what the ordinance would mean for practical work in conserving the lake. Parker called on Marty Mann, president of the board of the conservancy district and thanked John Langley and Rachel Atz from the Utilities Department for their help in helping to manage the lake on a daily basis. He said the partnership with the city and Indiana University was helpful in this operation. Mann said that the lake is changing, homes are being developed and upgraded and that the access and development of the lake were important issues to use and overuse of the lake. He said that the ordinance would help protect the lake from being overused and would be legally defensible if needed. He added that some of the enforcement of these issues would be more clearly spelled out in this ordinance.

Volan noted that this information was available to the public in the council packet that is available online. He noted the protection of the lake was important, and asked for an example of something that was new in the ordinance.

Mann noted that in addition to acknowledging the existence and authority of the Conservation District, the ordinance would spell out the district's role in preventing the concept of "funneling" where a developer would try to increase shorelines for new developments on properties with smaller shorelines. He said that the new ordinance would help with consistency and strength of the code to protect the lake from upcoming pressure for overdevelopment.

Rollo thanked the District for their stewardship of the lake and asked John Langley, Deputy Director of Utilities, to comment. Langley said that this was a housekeeping ordinance and it was done for long term protection of the lake and supported the ordinance.

There were no comments from the public.

Mayer said that he went out to the lake that afternoon to speak with members of the District and wanted the council to know that there were over 500 freeholders, people with participation in the lake who are taxed over and above the property tax and know and accept that responsible maintenance of the lake will result in increases in taxation.

Sturbaum said he was happy to help with the protection of the lake with this ordinance.

Ordinance 06-09 received a roll call vote of Ayes: 9, Nays: 0.

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 06-08 To Amend Ordinance 05-21 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for all the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2006 - Re: Positions in the Controller’s Office, Employee Services, Engineering, Fire, Office of the Mayor, Parking Enforcement, Parks and Recreation, Sanitation, and Utilities Dillman and Utilities Engineering

Ordinance 06-08

Ordinance 06-06 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic”

Ordinance 06-06

There was no public comment at the end of this meeting.

PUBLIC INPUT

The meeting was adjourned at 8:44 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

