



City of Bloomington  
Common Council

Legislative Packet

Regular Session

19 April 2006

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

812.349.3409

[council@bloomington.in.gov](mailto:council@bloomington.in.gov)

City of  
Bloomington  
Indiana



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

Office of the Common Council  
(812) 349-3409  
Fax: (812) 349-3570  
email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

To: Council Members  
From: Council Office  
Re: Weekly Packet Memo  
Date: April 13, 2006

## **Packet Related Material**

**Memo**

**Agenda**

**Calendar**

**Notices and Agendas:**

*None*

**Legislation for Final Action:**

**Ord 06-07** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” - Re: Amending Chapter 2.21 Entitled “Department of Law” to Include “Gender Identity” as a Protected Class

*(Please see the 5 April 2006 Council Legislative Packet for the legislation, summary and background material)*

*Contact: Councilmember Sabbagh ([sabbaghd@bloomington.in.gov](mailto:sabbaghd@bloomington.in.gov)) or Sturbaum ([sturbauc@bloomington.in.gov](mailto:sturbauc@bloomington.in.gov)) at 349-3409  
Daniel Sherman or Stacy Jane Rhoads  
at 349-3409 or [council@bloomington.in.gov](mailto:council@bloomington.in.gov)*

**Res 06-05** Supporting the Kyoto Protocol and the Reduction of the Community’s Greenhouse Gas Emissions

*(Please see the 12 April 2006 Council Legislative Packet for the legislation, summary and background material)*

*Contact: Councilmember Rollo at 349-3409 or [rollod@bloomington.in.gov](mailto:rollod@bloomington.in.gov)*

**Legislation and Background Material for First Reading:**

*None*

**Minutes from Regular Session:**

**March 1, 2006**

*(Over)*

**Memo**

**Two Items Ready for Final Action No Items Ready for Introduction  
on Wednesday, April 19<sup>th</sup>  
Motion to Cancel the Committee of the Whole on April 26<sup>th</sup>**

The two items discussed at the Committee of the Whole will be ready for final action at next Wednesday's Regular Session. Each may need minor, non-substantive amendments that will be e-mailed to you before the meeting.

Since I have not heard of any resolutions to be considered at the Committee of the Whole on April 26<sup>th</sup>, you should consider a motion to cancel the meeting for that evening.

**NOTICE AND AGENDA FOR  
COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, APRIL 19, 2006  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 NORTH MORTON**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** Regular Session  
March 1, 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 06-07 To Amend Title 2 Entitled "Administration and Personnel"- Re: Amending Chapter 2.21 Entitled "Department of Law" to Include "Gender Identity" as a Protected Class

Committee Recommendation: Do Pass 7 – 0 –1

2. Resolution 06-05 Supporting the Kyoto Protocol and the Reduction of the Community's Greenhouse Gas Emissions

Committee Recommendation: Do Pass 6 – 0 –0

**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  
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(812) 349-3409  
Fax: (812) 349-3570  
e-mail: council@bloomington.in.gov

To: Council Members  
From: Council Office  
Re: Calendar for the Week of April 17-20, 2006  
Date: April 13, 2006

**Monday, April 17, 2006**

1:30 pm *The Cost of Parking*, Presentation by Dr. Donald Shoup (UCLA), Council Chambers  
4:00 pm Council for Community Accessibility, McCloskey  
5:00 pm Farmers' Market Advisory Council, Showers Building, Room 250  
5:00 pm Utilities Services Board, North Showers, 501 N. Morton Street, Room 100B  
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room  
7:00 pm *The Cost of Parking*, Public Forum, Council Chambers

**Tuesday, April 18, 2006**

8:00 am Medicare Prescription Plan Assistance Training, Adult Community Center, 349 S. Walnut Street  
12:00 pm Bloomington Industrial Development Advisory Council, Hooker Room  
3:00 pm Board of Public Safety, McCloskey  
3:30 pm Community and Family Resources Commission, Hooker Room  
5:30 pm Animal Control Commission, McCloskey  
5:30 pm Bloomington Public Transportation Corporation, Transit Building, 130 W. Grimes Lane  
5:30 pm Board of Public Works, Council Chambers  
7:00 pm Heart and Hand Volunteer Award Celebration, Bloomington High School South, Carmichael Auditorium

**Wednesday, April 19, 2006**

**ARBOR DAY!**

9:30 am Tree Commission, Rosehill Cemetery, 930 W. Fourth Street  
4:00 pm Martin Luther King Jr. Birthday Commission, McCloskey  
7:00 pm Council of Neighborhood Associations, Kelly  
7:30 pm Common Council Regular Session, Council Chambers

**Thursday, April 20, 2006**

8:00 am Bloomington Housing Authority, Bloomington Housing Authority, 320 N. Morton Street Suite 113  
5:30 pm Board of Zoning Appeals, Council Chambers

**Friday, April 21, 2006**

12:00 pm Domestic Violence Taskforce, Hooker Room

**Saturday, April 22, 2006**

**EARTH DAY!**

7:00 am Bloomington Community Farmers' Market, Showers Common

In the Council Chambers of the Showers City Hall on Wednesday, March 1, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 1, 2006

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

ROLL CALL

Council President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

The minutes of February 22, 2006 were approved by a voice vote.

APPROVAL OF MINUTES

Mike Diekhoff spoke about legislation in Indianapolis that restricts smoking in public places and pointed out that Bloomington's smoking ordinance was cited as a success story.

REPORTS:

- COUNCILMEMBERS

Dave Rollo reported on the Commission on Sustainability's speaker's bureau, which will feature its first presentation on energy use and sustainability on March 7<sup>th</sup> at 7:30pm in the Monroe County Public Library auditorium.

David Sabbagh spoke about a direct shipping bill regarding the shipment of wine that was being discussed by the Indiana State Legislature. He reported on the benefits of shipping for wineries, which he emphasized are agricultural businesses and benefit the state. Sabbagh requested that citizens contact their state representatives to urge against state restrictions on free enterprise.

Ruff reported on the Greater Bloomington Chamber of Commerce resolution in support of Interstate 69. He stated that the resolution was not fully representative of the community's view on the Interstate 69 proposal and spoke about the City of Bloomington's resolution in 2004 that opposed the current new terrain Interstate 69 proposal. Ruff described the proceedings before the vote on the City resolution as an open, public process that encouraged participation and input from all members of the community. Ruff then read portions of the 2004 resolution. He emphasized that the City of Bloomington understands the important relationship between transportation and economic development, but said that Major Moves and the current Interstate 69 proposal represented a failed economic development strategy and will not be a significant job creator.

Jason Banach stated for the record that not all council members voted in favor of the resolution against a new terrain Interstate 69. Ruff clarified that the vote was 7-1 in favor of the resolution.

Chris Sturbaum reported that noted art expert and author John Vilani recently visited Bloomington after publishing an article on the best art towns in America. Sturbaum said that Vilani provided a few proposals, including an arts district and the establishment of a downtown industrial-style visual artist's studio. Sturbaum said he supports the idea of a possible public-private partnership and cited the old Coca Cola plant as an ideal location with potential.

Sturbaum reported on Indiana University's plans to demolish the Kappa Sigma building on East Third Street and stated that a petition to save the building is nearing 2,000 signatures. He emphasized that Indiana University still plans to demolish the building and requested continued action from citizens in order to save the unique structure.

Sturbaum announced that the council formed a bowling team to participate in a Big Brothers/Big Sisters fundraiser. He encouraged

people to participate in the fundraiser and/or contribute. Sturbaum noted that the council's strongest bowler, Banach, was unable to participate this year but had made a generous contribution. Sturbaum requested that citizens donate to help raise funds for the organization.

Deputy Mayor James McNamara introduced Jillian Kinzie, chair of the Commission on the Status of Women. Kinzie read a proclamation from the mayor in honor of Women's History Month. She spoke about upcoming activities and distributed a calendar of events for the month.

Volan presented a report that he developed entitled *A New Demographic Look at Bloomington*. The entire report on college-driven metropolitan areas can be found at [www.volan.org](http://www.volan.org)

Gabe Rivera thanked the council for speaking out against Interstate 69 and spoke about criminal justice reform and the war on drugs.

Jerry Conover, director of the Indiana Business Research Center (IBRC), spoke about the Bloomington Metropolitan Area and discussed benchmarking techniques in regards to Volan's report.

Rollo asked where citizens can view the latest report from the IBRC. Conover noted that the report was linked to the Greater Bloomington Area Chamber of Commerce website at [www.comparebloomington.org](http://www.comparebloomington.org).

Eric Spoonmore spoke about correspondence he experienced with Councilman Tim Mayer. He said he requested information on occupancy limits and did not receive the information. Sturbaum asked Spoonmore to leave his e-mail address and indicated that he would receive what information the council office could provide to him.

Dax Norton, president of Community Renaissance Incorporated, reported on successful efforts to preserve the Tivoli Theatre building in downtown Spencer. He noted that he participated in the acquisition of the structure, which will be renovated and preserved under its new ownership.

There were no appointments at this time.

It was moved and seconded that Resolution 06-03 be introduced and read by title and synopsis. Deputy Clerk Weber read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 06-03 be adopted.

Kevin McCaffery of the U.S. Postal Workers Union spoke in favor of the U.S. Postal Service continuing operations at the Bloomington mail processing facility. He stated that moving mail processing from the Bloomington facility to Indianapolis would negatively affect customer service and result in delays. McCaffery recommended that citizens contact their Congressional representative to voice support for the Bloomington facility.

Rollo said the resolution would be sent to the Indiana Congressional delegation and the Postmaster General. McCaffery agreed that Congress is the most influential decision-maker in this matter.

Rollo made comments on fuel usage and efficiency. In addition, he highlighted comments made by McCaffery regarding the chances of anthrax or other biological contamination of local mail is processed in Indianapolis.

## COUNCILMEMBERS (Cont'd.)

- MAYOR and CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC INPUT

## BOARD AND COMMISSION APPOINTMENTS

## LEGISLATION FOR SECOND READING

Resolution 06-03 To Request that the U.S. Congress Prohibit the U.S. Postal Service from Moving Its Facility for Processing Mail Originating in the 474 ZIP Code Area from Bloomington, Indiana to Indianapolis, Indiana Until the Effect of Such Proposal on Costs and Delivery Standards is Fully Investigated.

Resolution 06-03 (Cont'd.)

Ruff asked for clarification on the volume of mail processed in Bloomington. McCaffery said the volume of mail processed in Bloomington has increased as opposed to many other facilities.

Banach spoke to the effectiveness of resolutions and suggested that the council might only be hearing one side of the debate. He offered that there is probably some rationale behind consolidating service and quoted a newspaper article that said the U.S. Postal Service would not consolidate facilities if service would be affected in a negative way.

Rollo spoke about a General Accounting Office study that called for local input and asked McCaffery if there had been local input in to the decision to consolidate the Bloomington facility. McCaffery said that local input had been very limited and restricted.

Ruff reminded everyone that the council voted without hesitation on a resolution in support of Crane and said that the council should look out for the interest of the community again through this resolution. Ruff said that resolutions are not useless and said he believed the Crane resolution, as well as others, are useful in protecting the community.

Banach said he agreed that it is in the interest of the community to keep the facility local and would help provide unanimous support.

Gaal said that it was appropriate for the council to take action on this issue because of the significant local impact. He spoke about the GAO study that criticized the Postal Service realignment study and described it as incomplete and self serving. Gaal said the process that the U.S. Postal Service was following lacked public input and credibility.

Rollo said that the city council had a good record addressing appropriate resolutions and said there is a disturbing disconnect between citizens and federal government.

Volan stated that the resolution supports transparency and that the U.S. Postal Service is not providing sufficient data in a transparent manner.

Sabbagh said his gut reaction was that the local facility should stay open. Furthermore, Sabbagh predicted that the continuing operations of the downtown post office will become a very important and challenging issue for the City of Bloomington to deal with in the near future. He recommended that the city begin thinking about the long term operations of the downtown post office.

Sturbaum said he believed mail delivery service would obviously suffer if the service district was expanded. He said it was insulting for officials to claim that the consolidation decision was being made for service improvement and efficiency rather than cost savings. Sturbaum also seconded Sabbagh's comments about the downtown post office.

Resolution 06-03 received a roll call vote of **Ayes:8, Nays: 0.**

It was moved and seconded that Ordinance 06-02 be introduced and read by title and synopsis. Deputy Clerk Weber read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-1. It was moved and seconded that Ordinance 06-02 be adopted.

Ordinance 06-02 To Vacate Two Public Parcels – Re: Portions of Right-of-Way Running East/West in Front of 1010 and 1014 West Cottage Grove (Housing and Neighborhood Development [HAND] Department, Petitioner)

Lisa Abbott, director of Housing and Neighborhood Development, provided a brief presentation of the proposed project. Abbott introduced the executive director of Habitat for Humanity of Monroe County Kerry Thompson and said that she and Susie Johnson, director of Public Works, were also available for questions.



Sabbagh congratulated Susie Johnson as the new director of the Department of Public Works.

Ordinance 06-02 (Cont'd.)

Ruff questioned the level of community benefit received in terms of home affordability in exchange for the vacation of rights of way. He said that traditional affordable housing policies do not appear to be working well in Bloomington. Ruff suggested that the community needs to start a conversation about affordable housing policies and community resources that will increase the stock of long term affordable housing.

Sabbagh said he understood the city was investing very little in this project and that it would not be developed as affordable housing without the vacation of right of way. In addition to affordability, Sabbagh said that wealth creation is extremely important. He said he believes one of the best ways for people to move up is by creating wealth through homeownership.

Rollo thanked Ruff for his comments and said he supports his position on increasing the period of affordability and would like to explore the issue further.

Ruff said that wealth creation for the fortunate individuals that end up in the affordable homes is laudable. He noted that the community has a significant challenge of balancing two distinct goals that are helping families build equity while developing a sufficient stock of affordable housing.

Sturbaum noted that the project is sponsored by Habitat for Humanity, an organization whose judgment he trusts. Sturbaum said there are simply not enough affordable homes in Bloomington and there is no easy solution or single answer but that homeownership is an important and practical solution.

Ordinance 06-02 received a roll call vote of **Ayes: 8, Nays: 0.**

It was moved and seconded that Ordinance 06-04 be introduced and read by title and synopsis. Deputy Clerk Weber read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-3. It was moved and seconded that Ordinance 06-04 be adopted.

Ordinance 06-04 An Ordinance Amending Ordinance 05-12 – Re: To Allow Sale of Waterworks Bonds through the Indiana Bond Bank

Assistant City Attorney Vickie Renfrow summarized Ordinance 06-04 and Ordinance 06-05, both of which address the sale of sewage works bonds through the Indiana Bonds Bank.

Rollo asked if there was any vulnerability with bundling and selling the bonds. Renfrow said there were not and they maintained a triple A rating.

Pedro Roman complimented city staff on their professionalism and asked the council to approve the ordinances.

Ruff thanked city staff for working with him to better understand the ordinance issues.

Sturbaum commended fellow council members who provided oversight on these issues and thanked them for their additional time and commitment.

Ordinance 06-04 received a roll call vote of **Ayes: 7, Nays: 1 (Sabbagh).**

It was moved and seconded that Ordinance 06-05 be introduced and read by title and synopsis. Deputy Clerk Weber read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-3. It was moved and seconded that Ordinance 06-05 be adopted.

Ordinance 06-05 An Ordinance Amending Ordinance 05-35 – Re: To Allow Sale of Sewage Works Bonds through the Indiana Bond Bank

Sabbagh explained why he voted no on Ordinance 06-04 and spoke about the State Board of Accounts audit of the Bloomington Utilities Department. He said he welcomes the remedies that the city is taking in Utilities but said he would like to see results of the actions taken before changing the way the city bonds.

Rollo said he appreciated Renfrow's information and work on the ordinances and said the action was very prudent for the City of Bloomington.

Sturbaum said that getting the best rate possible for bonds is a no-brainer and he will offer his support of the ordinance.

Ordinance 06-05 received a roll call vote of **Ayes: 7, Nays: 1 (Sabbagh)**.

It was moved and seconded that Ordinance 06-03 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 06-03 be adopted.

Ordinance 06-03 Revising Participation Fees for Certain Businesses Located Within the Bloomington Urban Enterprise Zone and a Tax Increment Finance Area that Receive an Enterprise Zone Investment Deduction

Controller Susan Clark summarized Ordinance 06-03 and said the ordinance is the result of state legislation that allows automatic abatement of businesses in enterprise zones.

Rollo asked Clark how the city monitors state legislation. Clark said the city reviews state legislation on a regular basis but said this legislation took a lot of communities by surprise. Clark said the city has been in contact with other communities around the state who are requesting Bloomington's ordinance as a potential model.

Sabbagh asked how the city became aware of this legislation in particular. Clark said that Lisa Abbott became aware of the legislation at a seminar and acted on it. She thanked Abbot for bringing the legislation to the city's attention.

Ruff said it was infuriating how the state was stripping local control of decision making. He said state mandated abatements eliminated the city's right to apply local policies.

Sabbagh clarified that the state legislation applied only in the Enterprise Zone and suggested that state officials grant localities more flexibility to generate revenue at the local level.

Rollo said this is yet another example of diminishing local control of government. He commended Clark and Abbott for safeguarding the city from potential millions in revenue loss.

Gaal said the Bloomington community has unique needs and deserves control over setting economic development policy. He said a one size fits all policy does not work at the state level.

Sturbaum said he too is dismayed by the loss of local control in government but that he hopes business do take advantage of new incentives offered by the state within the Enterprise Zone.

Ordinance 06-03 received a roll call vote of **Ayes: 8, Nays: 0**.

There was no legislation for first reading at this meeting.

LEGISLATION FOR FIRST  
READING

Scott Wells spoke about Interstate 69 and Major Moves. He described the opportunity for public input on the project as very limited and said that the public's voice is not being heard. Wells spoke about the privatization of the highway and voiced concern about the financing, ownership, and management of the highway. He thanked the council for speaking out against new terrain Interstate 69 and said that he believes Major Moves is a major mistake.

PUBLIC INPUT

Banach announced that there was no legislation for first reading on the agenda and asked the council if they would like to discuss canceling the next council committee meeting.

Ruff reported on a provision that allows emergency legislation and announced that there was a chance he would introduce emergency legislation that would require immediate council attention. Ruff reported that there is a clause in Major Moves that requires the legislation to respect local ordinances in effect at the time of adoption.

Banach suggested that six days might not provide enough time to discuss new legislation. Ruff agreed and noted that he likely did not have ample time to develop legislation.

Council Attorney Dan Sherman reported that unless there was unanimous consent from all council members, an ordinance would require two evenings, which could be consecutive, with a super majority (6 members voting yes) for passage of the legislation.

Ruff said he was content with cancelling the next council meeting and he would take the appropriate steps to call an emergency meeting if he needed to.

Rollo stated that the Bloomington City Council was not in control of the speed that Major Moves was being pushed through the state legislature. He said he would like to have the discretion to be able to meet and opposed cancelling the next council meeting.

Sabbagh said that he had been trying to get two pieces of legislation on the council agenda and had been told that the agenda was too busy. He said he would be a little irritated at the council if they held an emergency meeting to hear emergency legislation before his two pieces of legislation made it on the agenda.

Banach said it would be irresponsible for the council to act on legislation on two days notice. He stated that two days did not provide stakeholders an opportunity for input and that he would not be supportive.

There was no vote to cancel the next council committee meeting.

The meeting was adjourned at 10:30 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

Unapproved