



City of Bloomington  
Common Council

Legislative Packet

Regular Session  
21 December 2005

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

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## Packet Related Material

**Memo**

**Agenda**

**Calendar**

**Notices and Agendas:**

**Notice of Council Winter Recess**

**Legislation for Final Action:**

**Res 05-23** To Approve Application and Authorize Grant from the Business Investment Incentive Fund (Harmony Education Center – Rhino’s Youth Center, Petitioner)

*(Please see the packet distributed for the December 14<sup>th</sup> Committee of the Whole for the legislation, summary, and background materials)*

Contact: Ron Walker at 349-3534 or [walkerr@city.bloomington.in.gov](mailto:walkerr@city.bloomington.in.gov)

**Res 05-22** To Designate an Economic Revitalization Area, Approve a Statement of Benefits, and Authorize a Period of Tax Abatement - Re: Glen Magna Way, Canada Farm PUD, Phase 1, Parcel E (Rogers Property Management, LLP, Petitioner)

*(Please see the packet distributed for the December 14<sup>th</sup> Committee of the Whole for the legislation, summary, and background materials)*

Contact: Ron Walker at 349-3534 or [walkerr@bloomington.in.gov](mailto:walkerr@bloomington.in.gov)

**Ord 05-34** To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Wastewater Rate Adjustment)

*(Please see the packet distributed for the December 7<sup>th</sup> Regular Session for the legislation, summary, and background materials.)*

Contact: Vickie Renfrow at 349-3557 or [renfrowv@bloomington.in.gov](mailto:renfrowv@bloomington.in.gov)

**Ord 05-35** An Ordinance to Authorize Issuance of Sewage Works Revenue Bonds (For Wastewater and Storm Water Projects)

*(Please see the packet distributed for the December 7<sup>th</sup> Regular Session for the legislation, summary, and background materials.)*

Contact: Vickie Renfrow at 349-3557 or renfrowv@bloomington.in.gov

**Ord 05-33** To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” – Re: Extensive Amendments which Delete Chapter 7.12 (Licensing) and Make Changes to All the Other Chapters in the Title

*(Please see the packet distributed for the December 7<sup>th</sup> Regular Session for the legislation, summary, and background materials.)*

Am 2 – Sponsored by Councilmember Rollo – Introduced by Councilmember Sturbaum – Delaying the implementation of the licensing of feral cat colonies for six months in order to provide an opportunity to develop alternate procedures in regard to feral cat colonies.

Contact: Julio Alonso at 349-3516 or alonsoj@bloomington.in.gov

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

None

**Minutes from Regular Sessions or Special Sessions on:**

February 16, 2005

March 2, 2005

September 14, 2005

October 19, 2005

**Memo**

**Five Items Ready for Final Action at the Last Meeting of 2005**

The same five items discussed at the Committee of the Whole are coming forward for final action at the last Regular Session of the year on Wednesday, December 21st. Those items can be found in the packets prepared for the meetings on December 7th and December 14<sup>th</sup>. Please note that this packet contains the amendment (Am 2) to **Ord 05-33** which received a favorable recommendation at the Committee of the Whole.

**Recess Until Tuesday, January 3<sup>rd</sup>**

The Winter Recess for the Council begins after the meeting next week and ends with an Organizational Meeting and Committee of the Whole on Tuesday, January 3rd, 2006.

**NOTICE AND AGENDA FOR  
COMMON COUNCIL, REGULAR SESSION  
7:30 P.M., WEDNESDAY, DECEMBER 21, 2005  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 NORTH MORTON**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** February 16, 2005  
March 2, 2005  
September 14, 2005 (Special Session)  
October 19, 2005

**IV. REPORTS FROM:**  
1. Council Members  
2. The Mayor and City Offices  
3. Council Committees  
4. Public

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING**

1. Resolution 05-23 To Approve Application and Authorize Grant from the Business Investment Incentive Fund (Harmony Education Center – Rhino’s Youth Center, Petitioner)

Committee Recommendation: Do Pass 9 – 0 – 0

2. Resolution 05-22 To Designate an Economic Revitalization Area, Approve the Statement of Benefits, and Authorize a Period of Abatement- Re: Glen Magna Way, Canada Farm PUD, Phase I, Parcel E (Rogers Property Management, LLP, Petitioner)

Committee Recommendation: Do Pass 9 – 0 – 0

4. Ordinance 05-34 To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Wastewater Rate Adjustment)

Committee Recommendation: Do Pass 7 – 0 – 2

5. Ordinance 05-35 An Ordinance To Authorize Issuance of Sewage Works Revenue Bonds (For Wastewater and Storm Water Projects)

Committee Recommendation: Do Pass 7 – 0 – 2

3. Ordinance 05-33 To Amend Title 7 of the Bloomington Municipal Coded Entitled “Animals”

-

Re: Extensive Amendments which Delete Chapter 7.12 (Licensing) and Make Changes to All the Other Chapters in the Title

Committee Recommendation: Do Pass 9 – 0 – 0

Amendment 2: 7 – 2 – 0

**VII. LEGISLATION FOR FIRST READING**

**VIII. PRIVILEGE OF THE FLOOR** (This section of the Agenda is limited to a maximum of 25 minutes. Each speaker is allotted 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 December 19-23, 2005  
Date: December 16, 2005

**Monday, December 19, 2005**

5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room  
6:00 pm Council for Community Accessibility, Hilltop Garden Center, 2301 W. Tenth Street

**Tuesday, December 20, 2005**

10:30 am Board of Public Safety, McCloskey  
12:00 pm Bloomington Industrial Development Advisory Commission, Hooker  
5:30 pm Board of Public Works, Council Chambers

**Wednesday, December 21, 2005**

7:00 pm Council of Neighborhood Associations, Hooker Room  
7:30 pm Common Council Regular Session, Council Chambers

*The Council will be in recess following its December 21, 2005 meeting until Tuesday, January 3, 2006 when it meets for an Organizational Meeting followed by a Committee of the Whole Meeting.*

**Thursday, December 22, 2005**

*There are no scheduled meetings this day.*

**Friday, December 23, 2005**

*There are no scheduled meetings this day.*



City of Bloomington  
Office of the Common Council

## **NOTICE OF WINTER RECESS**

THE BLOOMINGTON COMMON COUNCIL WILL BE IN RECESS FOLLOWING THE REGULAR SESSION ON DECEMBER 21, 2005.

THE NEXT MEETING OF THE COUNCIL WILL BE AN ORGANIZATIONAL MEETING FOLLOWED BY A COMMITTEE OF THE WHOLE MEETING ON TUESDAY, JANUARY 3, 2006, 7:30 PM, COUNCIL CHAMBERS, 401 NORTH MORTON STREET.

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 05-33  
**Amendment #:** 2  
**Submitted By:** Dave Rollo, Councilmember, District 4  
**Date:** December 14, 2005

**Proposed Amendment:**

1. Section 16 of Ord 05-33 shall be amended to read as follows:

SECTION 16. All provisions of this Ordinance, except those specified in Section 17, shall be in full force and effect on and after its passage by the Common Council of the City of Bloomington and approval by the Mayor and publication as required by law.

2. Ord 05-33 shall be amended by adding Section 17 which shall read as follows:

SECTION 17. Assuming passage, approval and publication of the Ordinance as set forth in Section 16, the following provisions of Section 5 shall go into effect on July 1, 2006: Section 7.21.10 (Kennel permits required) (b) - specifically in regard to the permitting of feral cat colonies; Section 7.21.026 (Obtaining a feral cat colony); Section 7.21.055 (Standards for feral cat colonies); Section 7.21.060 (Kennel permit periods)(c); and, Section 7.21.070 (Fees)(c). This six month period of delay is intended to provide more time and offer more encouragement for City staff and representatives of the feral cat volunteers to meet in good faith to develop alternate procedures for regulating the treatment of feral cats. The President of the Council may appoint as many as four Council members to join these meetings and help formulate a public-private partnership that will reduce the numbers of feral cats, improve their living conditions, and otherwise protect the health, safety, and welfare of the community.

3. The Synopsis Ord 05-33 shall be amended by staff to reflect these amendments.

(Continued)

## Synopsis

The ordinance establishes a permitting system for the harboring of more than six feral cats in “feral cat colonies.” This amendment would defer implementation of those provisions for six months. It recognizes that volunteers are already providing clear benefits to the community by tending many of these colonies and assuring that the inhabitants are spayed or neutered and in good condition. With that in mind, it provides more time and encouragement for City staff, with the help of as many as four Council members, to work with representatives of the volunteers to develop alternate procedures for regulating treatment of feral cats.

*Note: This amendment was modified at the Committee of the Whole to increase the number of Council members who might join the discussions between the City and citizen groups from two to four.*

<b>12/14/05 Committee Action:</b>	7 – 2 (Banach and Sabbagh)
<b>12/21/05 Regular Session Action:</b>	Pending

December 13, 2005



In the Council Chambers of the Showers City Hall on Wednesday, February 16, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
February 16, 2005

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

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Jason Banach announced that he and council members Diekhoff, Ruff and Volan would comprise a council bowling team to participate in the Bowl For Kids' Sake in March. He encouraged sponsors for their team and general participation in the event.

REPORTS:

- COUNCILMEMBERS

Mike Diekhoff announced that there had yet to be a county council challenge to the city's bowling team.

Chris Sturbaum announced that Bloomington Township residents over the age of 65 could get help with prescription drug costs with a new program. He read income guidelines and encouraged folks to contact the township for information.

Sturbaum noted he had a copy of the Downtown Vision Infill Strategy Plan for the city. He said a nationally known urban planner had researched the city's downtown, and had formulated a plan to guide how the downtown would be used in the future, how it would grow and how to deal with problems associated with that development. He said a public workshop and meeting would be held on February 23 at the convention center to explain the plan. He encouraged folks to come.

Steve Volan noted that the meeting would be held just before the council meeting the following week, and hoped citizens would be able to attend.

Dave Rollo noted that the Kyoto Protocol was in effect on this day, and was supported by 141 countries, but not the US. He said the goal of this treaty was to reduce emissions that cause global warming by 5.2% by 2112, but that this, according to recently published scholarly scientific articles, may not be enough to prevent countries from vying to preserve natural resources decimated by abrupt climate change. He noted that the present federal administration continually refuses to acknowledge the scientific consensus and works to undermine the Protocol. Rollo concluded that global warming is an eminent threat and appealed to citizens to contact their representatives and urge them to act and join the rest of the international community to safeguard the future.

Tim Mayer noted an article in the day's paper regarding an elected official's referring to fellow elected officials and citizen appointees to the county plan commission as "left wing wackos." Mayer said he found this language offensive and counter productive. He noted the same paper called for newly elected city and county presidents, Andy Ruff and Mark Stoops respectively, to conduct meetings in open and civil manner. Mayer hoped that the paper would find the words and wisdom to call on this official to conduct public business in a civil manner.

Andy Ruff thanked Rollo for bringing up the Kyoto Protocol. He said he was disturbed that governmental policies would hand an environmentally uncertain future to our children.

Diekhoff announced the county council had just fielded a Bowl for Kids' Sake bowling team to challenge the city council. He said members would be Valerie Pena, Kevin Robling, Mark Kruzan and Sue West.

Reports from council members  
(cont'd)

Maren McGrane, Council Liaison with the Mayor's Office, introduced Jeff Harlig, chair of the Human Rights Commission, to present the Commission's Individual and Organization Human Rights Award for 2005.

- MAYOR and CITY OFFICES
- Human Rights Commission

Doug Bauder was given the Commission's Individual Award and received a plaque. Upon accepting the award, Bauder said he appreciated this recognition in a community of award winning people. He said we all need to recognize citizens' participation, even though all don't win a plaque.

WFHB Community Radio Station Manager Ryan Bruce represented programmers, news reporters and engineers at the podium in receiving the Organization Award for their programming in Spanish, locally produced nightly news, programs for the GLBT community, live feeds of community programs and new projects planned to increase representation of all segments of Bloomington. Bruce thanked Jim Manion and Chad Carrothers who had accompanied him to the ceremony. He thanked the board, volunteers, city officials and CATS staff as well as supporters of the station. Chad Carrothers, said he was humbled to receive the award when he was just doing his job in empowering voices in the community. He asked volunteers to stand and be recognized.

President Ruff congratulated the honorees, adding that they contributed greatly to the quality of life in our community.

Steve Volan said it was wonderful experience to be a volunteer programmer (said he entertained on Thursday afternoons), welcomed everyone to take part, and also encouraged support at membership time.

Marjorie Hudgins, acting chairman of the Historic Preservation Commission read an encomium honoring Jeanine Butler and her actions for her contributions to the Commission's work. Mayer thanked Butler for her contributions and congratulated her on this award.

- Historic Preservation Commission

There were no council committee reports at this meeting.

- COUNCIL COMMITTEES
- PUBLIC INPUT

Margaret Speer and Janna Brancolini represented the Bloomington North High School Habitat for Humanity Chapter by reporting to the council that their recent fundraiser netted over \$23,000 for the house the group hopes to build. They thanked the community for their support.

It was moved and seconded that the following reappointments be made:

**BOARD AND COMMISSION APPOINTMENTS**

- |                |                                   |
|----------------|-----------------------------------|
| Sarah DeLone   | Animal Control Commission         |
| David Walter   | Redevelopment Commission          |
| Pam Warren     | Tree Commission                   |
| Cathi Crabtree | Commission on the Status of Women |

The reappointments were approved by a voice vote.

It was moved and seconded that the Mayor's appointment of Rebecca Webb-Burchart to the Historic Preservation Commission be confirmed by council as required by statute. This confirmation was approved by a voice vote.

It was moved and seconded that action on Ordinance 05-05 be postponed until March 2, 2005, so that legal notice could be made in a timely fashion. It was noted that the petitioner could not be present at the March meeting, but was comfortable with this postponement.

The motion to postpone action on Ordinance 05-05 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that the Ordinance 05-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-2. It was moved and seconded that Ordinance 05-04 be adopted.

James Roach, Senior Zoning Planner, announced that the zoning change was recommended by Plan Commission with a vote of 8-0. He said the vacant property was located on West Third between Landmark and Patterson Drive.

He noted the plan commission found that the site was not really suitable for industrial uses any longer, noting the changing nature of uses in the area, and that the site plan assurances would provide compliance with the Growth Policies Plan.

Roach related the site plan commitments would include controls on architecture, access control to Third Street, site layout and building placement, streetscape improvements along Third Street (landscaping and sidewalks), dedication of right-of-way and easements, and connectivity to adjacent to unbuilt and undeveloped property.

Mike Carmin, representative of the petitioner, said that it was not often that zoning commitment would be attached to the deed of the property for a future owner. He said this may be the first of many commitments for this corridor, and asked the council's support of the petition.

There were no council questions, no public comment or council comments on the item.

Ordinance 05-04 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that the Ordinance 05-06 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 05-06 be adopted.

Nancy Hiestand, Program Director for Historic Preservation in the Department of Housing and Neighborhood Development, and staff for the Bloomington Historic Preservation Commission reviewed the property location and history. She described the property as a 19<sup>th</sup> Century farmstead with six structures with two houses and four agriculture accessory buildings, a unique situation within the city limits. Hiestand showed slides of the buildings pointing out architectural details, giving some history of the buildings.

She noted that the buildings would be preserved by local designation and also by covenants placed on it by Bloomington Restorations, Inc.

Rollo asked about a time line for a museum on the property. Elizabeth Cox-Ash, President of BRI, noted that the contents of drawers and boxes of the house were being unpacked and cataloged, and that some immediate repairs to plaster and wiring were needed. She expected this part of the project to take at least two years to complete.

Banach said he would be pleased to support this historic designation.

## LEGISLATION FOR SECOND READING

Ordinance 05-05 To Vacate a Public Parcel - Re: A Right-of-Way Located at 600 West 6<sup>th</sup> Street which Runs North/South between 6<sup>th</sup> Street and 7<sup>th</sup> Street (Fairview United Methodist Church, Petitioner)

Ordinance 05-04 To Amend the Bloomington Zoning Maps from IL/IS to CG – Re: 1615 West 3<sup>rd</sup> Street (Ken Nunn, Petitioner)

Ordinance 05-06 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District - Re: “The Garton Farm” at 2820 - 2920 East 10<sup>th</sup> Street (Bloomington Restorations, Inc., Petitioner)

Sturbaum noted that looking into the past necessitated looking into the future, and mused about how this little farmstead would look and be used in fifty years. He praised the commission and the Garton family.

Ordinance 05-06 (cont'd)

Mayer said this was a unique opportunity and thanked the Historic Preservation Commission and BRI for bringing this forward. He said this was a wonderful opportunity for collaboration and community building with a number of other organizations also.

Ordinance 05-06 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that the Ordinance 05-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 3-1-3. It was moved and seconded that Ordinance 05-07 be adopted.

Ordinance 05-07 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: "The Fleener Building" at 112 East 3<sup>rd</sup> Street (Bloomington Historic Preservation Commission, Petitioner)

Nancy Hiestand, Program Director for Historic Preservation in the Department of Housing and Neighborhood Development, and staff for the Bloomington Historic Preservation Commission presented a map which oriented council to the area and uses of buildings in the area.

She pointed out architectural features and details giving some historical perspective to the brickwork styles. She also showed other buildings built in the same area, noting similarities and differences especially in complexity and brickwork designs. She noted that this type of mixed use building is now being imitated in buildings now.

She reported that the Commission voted to pass this recommendation with one abstention and one nay vote.

President Ruff asked for comments from the owner of the building.

Thomas Densford, representative of owners Shannon and RJ Phelps, said they remained resolute in their objections to the historic designation and take exception to conclusions reached by the Historic Preservation Commission. He said the owners believed that the building neither imparted a distinct aesthetic quality to the city nor served as a visible reminder of the historical heritage of the community as the subjective standards of the ordinance established.

Densford said that the council was being asked to establish a standard and to establish meaning to the ordinance requirements of "aesthetic qualities" and "visible reminders." As an example he said that the Garton Farm petition was one of the best examples of historic preservation presented. He added that the same characteristics would place this farm at the high end of the measurable standard of historic significance while the Fleener building would be at the opposite end of the spectrum, if on it at all. He said that the Fleener structure was not extraordinary for the time period and was, in fact, quite common, and could not take any credit for architectural trends in the city. He said it actually had not even been noticed until the application to demolish the building was filed with the county.

Densford said the standard developed should be consistent and applicable from one property to the next and should not be based on nostalgia or a passion for preservation. He added that the standard should be based on the assumption that a future project there would be less significant to the community than the Fleener building had been over the last seven years. Again, he reiterated that the council was being asked to define "historically significant" in the community, from an architectural standpoint, and it was the position of the owners that the highest and best use of the property was not historic preservation but the removal of the building and involvement of the area as part of the

downtown revitalization and a much larger project. He asked that the council deny the request that the property be designated historic.

Ordinance 05-07 (cont'd)

Densford concluded by adding that the council had been given incorrect information regarding a deed restriction on the property with regards to possible contamination. He said that his recent recheck of the deed did not indicate such a restriction had been placed on it and he had no specific information about the presence or level of any kind of contamination from the dry cleaning business that used the building for the last forty five years.

Sabbagh asked about the demolition permit. Michael Flory, Assistant City Attorney, outlined the process of application and granting of demolition permits under the interlocal agreement between the city and county. Sabbagh asked for timing and Flory said the request was submitted prior to the action of the Historic Preservation Commission, but he did not know the actual dates at that moment.

Densford said the application was filed with Monroe County Building Services on November 18, 2004, approved by the county on November 29, 2004. He noted that the permitting process was a ministerial task and not a policy decision, and so applications are granted as a matter of course. He noted that Tom Micuda received the application for review during the last week of November, and the petition was then routed to the Historic Preservation Commission and is in the 'pending' status. The application had not been approved or denied at the time of this meeting.

Sabbagh asked if this was the normal speed with which the city dealt with such matters.

Flory noted that this matter was currently under litigation, and parts of the questions asked are being dealt with in court right now.

Sabbagh said because he was an elected official he felt even more strongly that he shouldn't vote on a matter that might put the city at some financial risk.

Flory said that there was not any legal reason for the council not to act on legislation before it. He noted that the city legal department would be careful to say just because litigation has been filed in a matter it did not mean that the council shouldn't act on matters before it.

Sabbagh asked if the planning department usually gets these types of documents, and if they usually forward them to the areas of the city that might have some interest in the project. Flory answered that this was correct. Sabbagh asked the timeline to which Flory agreed that the end of November was the date during which these actions took place.

Hiestand noted that the Historic Preservation Commission never receives the demolition permit application they are just informed that the application exists and is filed in the Planning Department.

Rollo asked about the element of subjectivity asking specifically about the economic significance. Hiestand noted that she had previously mentioned that the whole area developed during the progressive era and represented the construction and the culture of the time.

Hiestand noted that the term 'aesthetics' did not appear in the criteria but terms such as architectural style, unique location and physical characteristics, exemplifying the built environment are all academic issues.

Flory noted that state enabling legislation spelled out the criteria and these are adopted in the local ordinance.

Questioning from Volan precipitated Hiestand's statement that the Fleener building was surveyed before the publication of the City of Bloomington Historic Sites and Structures Inventory in 2001. She said the inventory was a resource or reference of every building in the survey for planning department petitions, or demolition petitions, and was required by state law. Volan asked if owners of the properties listed could assume that their properties would be affected by a decision by the HPC, to which Hiestand said that percentage would be fairly slim.

Questioned by Volan, Densford said that the current owner purchased the building in 2002 and had no knowledge of the 2500 property inventory. Densford noted the length of the survey, noting that in the 100 pages, the Fleener building was at the end of the list and it took him over an hour to find it. He further said that until Hiestand contacted the owner on the Friday before the HPC meeting he no idea of the historic designation, and in fact was contacting the county continually during the weeks between the demolition application and the phone call to determine the status of the application.

Volan asked why, if the owner intended to demolish the building when it was purchased in June 2002, they waited until November of 2004 to apply for a demolition permit. Densford said that the owner was on no pressing timeframe and had no plans to develop the property at the time.

Volan asked if it was a reasonable assumption that the owner applied for a permit when he found out that the city was deliberating a demolition delay ordinance. Densford agreed it was a reasonable assumption.

Volan inquired about the HPC's process for deciding the historic designations, specifically if the decisions could be made at one meeting. Flory noted that the commission could decide at a meeting that it did not want to pursue historic designation at a meeting and it would go no further. Hiestand noted that if the HPC wanted to pursue historic designation after that initial meeting, a hearing would be called, legal notifications would be made to the public and property owners, and that would take two meetings of the HPC.

Sturbaum asked Densford if there was a current proposal for the property at this time. Densford said there was not. Sturbaum asked if the petitioner owned property on both sides of the existing alley, to which Densford said he did. Sturbaum asked if the property owner would consider alley vacations in the scheme of a large scale project. Densford said any concept of development he had heard of at this point would maintain the alley as a thoroughfare through the development to a courtyard in the center, and said that a plan would involve the entire city block.

Sturbaum asked Hiestand to comment on the statement that the Historic Preservation Commission's Hearing ruling was based on nostalgia, subjective criteria and opinion.

Hiestand said the HPC report structure was always the same. She said the commission reviewed the criteria in general and then identified which of the criteria the building or district fulfills. She said the report also contained a history of the property. She added that the commission often listens to the owner's statement and the ideas that the owners have about the property although it is not admissible in the decision. She said that this decision was a 45-60 minute long discussion and therefore indicated the fact that the commissioners took the task seriously and

Ordinance 05-07 (cont'd)

understood the gravity of their decision. She said the commissioners were interested in redevelopment of the community with appropriate preservation and that their decisions were not based on nostalgia.

Hiestand noted the five historical and architectural criteria regarding the Fleener building and reiterated findings regarding these criteria.

Mayer asked attorney Flory what would happen if the council would designate the building and the city would not prevail in the pending litigation. Flory said that if the city did not prevail in litigation, it would be the result of the court determining that a demolition permit be issued for the property. He said one step further would be for a court to determine whether or not the historic designation trumped the demolition permit approval. Flory added that this could all be done in one two-step process.

Volan asked what date the motion was filed against the city, and Mr. Densford noted that it was January 12, 2005. Volan asked if the owners had any plan on paper for this property, to which Densford said that they had a concept for a project that would encompass the majority of the city block.

Upon questioning from Ruff, Flory noted that the Historic Preservation Commission had put a protective order on the property when they recommended it be designated historic, and that protective order would remain until the council completed its action, to either pass the designation, or to deny the request for historic designation. He noted that if the latter occurred, the demolition permit would be issued without delay.

Ruff asked if the City of Bloomington's ordinance was more or less subjective than other ordinances across the nation or state. Flory said that the state legislature had laid out specific criteria and that our ordinance adopted them verbatim. Ruff asked how the inventory was arranged noting the length of time Densford took in finding the specific property in the listing. Hiestand said that the template was created by Historic Landmark Foundation of Indiana, and that some districts are easier to search. She said that the property in question was individually listed in a "scattered sites" section. Densford produced the eighty page document saying the Fleener building appeared on page seventy eight saying that finding it was like finding a needle in a haystack. Hiestand said the web version was not as easy to manage as the bound copy of the survey.

Sabbagh noted that the criteria could be interpreted in a subjective manner and likened it to Olympic Figure Skating judging using criteria, but interpreting them individually. He said he took exception to the issue that there could not be any subjectivity to the deliberation.

Public comment statements by citizens attending the meeting:

Jordan Shifriss noted environmental concerns and said there might be some economic aspects of clean up and some areas of public health and safety concerns that may have to be dealt with whether the building is demolished or not.

Elizabeth Cox-Ash asked that the council vote for this designation. She said that tearing down the building would not mediate any environmental concerns. She specifically mentioned that this was the only building in the city block which had a demolition permit pending, even though the owners wanted to develop the entire block. She said it was important to preserve this part of our historic business district.

Sandy Clothier, Historic Preservation Commission member, said she had a copy of the Interim Report and that the Fleener property was on page 139. She said that employing individual human perspectives in the commission's job of carefully analyzing a situation and making a critical decision was not 'subjectivity.' She said the commissioners took their job very seriously and did not like to designate against anyone's wishes and that for someone to insinuate otherwise was a little insulting to the commissioners. She said the building was part of the history and the subtle architecture was a contribution to the city's history and its future. She asked the council's support for the ordinance.

Duncan Campbell said that an aesthetic evaluation would be the answer to the question, "Do you like my jacket?" He said that with 10 reasons to like it or not it would stop being an aesthetic decision, noting that it may be subjective but with rationale and criteria. He added that these regulations and rules regarding historic preservation commissions and how they act are adopted from federal guidelines which are adopted by the states, taught in preservation and history schools.

Campbell said that history is no longer about George Washington and the Taj Mahal, but now considers public history, a people's history, to be important. He said that preservation is following this trend, and that the notion that the district of workers' houses on the near west side fits this trend. He noted that the philosophy of revitalization of a town using historic preservation as a tool was exemplified in the Showers building, and added that the building stood as a warehouse for many years and then had many years of talk and negotiation before it came into the use it has today. He added that until there is an alternative to a building, the determination to preserve it or demolish it should be preserved. He noted the Inventory was a list of resources for this type of revitalization and said that its preface and introduction were particularly helpful.

Rollo noted that this matter had become a little clearer to him in the last week because he had time to think about the city being petitioned by developers and land owners seeking to enhance the value of properties by rezoning and added that there was a lot of economic speculation in the community right now. He stated that he was generally not in favor of designating against the wishes of the property owner. He said he was comfortable having the historic preservation commission decision upheld by the council. On the issue of the decision and timing of the demolition permit, he said he was comfortable having this matter decided in court. He concluded by thanking Hiestand for presenting the criteria for designations, noting that new imitations do not really match the historic in terms of aesthetics.

Sabbagh said he didn't intend for his comment about subjectivity to be insulting to anyone. He said that historic preservation should not be the only part of redevelopment as new development was the best way to get new investment into developments, and gave the new Bloomington Paint and Wallpaper building as an example. He said not everything old needed to be preserved, and that really good projects can be designed if one has an entire city block. He said he was not convinced that this ordinance was a case where the building needed to be preserved, and that some other good thing could be developed there without the existing building.

Volan said he appreciated the candor of the representative of the petitioner, especially in regard to potentially toxic materials. He said that while the building was common when it was built, it was far from common now, and that may be a reason for preservation. He noted that the application for demolition was winding its way through the normal process when the owner filed suit on January 12. He said that the question before the council was whether or not the council supported the



finding of the HPC that the property was significant to Bloomington's built environment and therefore worthy of preservation.

Ordinance 05-07 (cont'd)

Volan said he was interested in seeing area south of Third Street being developed to increase the usability, walkability and livability of the city, and also hoped the Convention Center could be expanded, but added that he could not condone the destruction of the building in the interest of a speculator, even though the owners vision marginally coincided with his own, and that he was against the destruction of a building only to replace it with asphalt.

He said that absent any proposal for redevelopment on this property, he would support the HPC's recommendation for designation.

Mayer thanked the HPC for their work, said they used subjective and objective criteria in reaching their decision and that he agreed with it. With regards to demolition delay, Mayer noted that the purpose of the ordinance was to give the community some time to look at a building that had some historic significance. He said that part of the decision at the council level would be to balance the proposal of what would replace the older building. He noted that in this particular case, there was not a proposal, but a concept about how the property would be used. He added that this was unfortunate, because if there was a concrete proposal the owner would have a better case for demolition. He concluded by saying this may even challenge the developer to be more creative with their proposal for development.

Sturbaum noted the changing concepts of history, and that time has shown that history of the community doesn't belong to just the big homes with columns, but also to the working people and even in commercial buildings that created the fabric of the community. He noted the Encore Café, the Johnson Creamery, the Frosted Foods building and even the Showers building were all at one time at this same critical juncture, and yet they were restored and reused.

Sturbaum said that this action that this action of the council would actually challenge and encourage better uses and development of the property in a creative way that reflected the community, its character, and the vision of the downtown plan with benefit for the entire community. He noted that this was the collision of property rights and community interest, and that when a building had existed for so long, and was significant in the history and fabric of the community, the owner of only the last two years should, in fact, take into consideration the community's interest in the buildings. He said the decision should be made in public, at the council level, for everyone's best interest. He added he would be supporting this decision.

Ruff noted he would like more information about the environmental concerns that citizen Shifriss offered. He said he believed that the structure met the legitimate criteria and trusted the experts on the HPC to make these determinations and advise the council. Ruff noted that it was quite a different situation from the Garton Farm designation, and that the decision was not an easy one to balance with property rights claims and community interests. He said that while council members may vote either way on this particular issue, it was with the acknowledgment, understanding and respect of the legitimacy of the opposite perspective. He noted Sabbagh's argument of pushing the envelope with this building because it wasn't on the square, but he said that the best use for this building was yet to come, and that in the future we would be glad that we saved the building.

Ordinance 05-07 received a roll call vote of Ayes: 6 (Diekhoff, Sturbaum, Ruff, Mayer, Rollo, Volan), Nays: 2 (Banach, Sabbagh).

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

LEGISLATION FOR FIRST READING

Appropriation Ordinance 05-02 To Specially Appropriate from the Alternative Transportation Fund Expenditures not Otherwise Appropriated (Appropriating Funds from the Alternative Transportation Fund for Projects Recommended by the Common Council Sidewalk Committee)

Appropriation Ordinance 05-02

It was moved and seconded to cancel the committee meeting of February 23, 2005 due to lack of legislation to consider. The motion received a roll call vote of Ayes: 7. Nays: 0. (Sturbaum was out of the room during this vote.)

Other Business

There was no public statement in this portion of the meeting.

PUBLIC INPUT

The meeting was adjourned at 10:00 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

for approval

In the Council Chambers of the Showers City Hall on Wednesday, March 2, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 2, 2005

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

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES  
REPORTS:

Jason Banach noted that the council was sponsoring a bowling team to raise money for Big Brothers/Big Sisters and shamelessly asked that folks sponsor them so that they could raise more money than the mayor's team for this worthy cause.

▪ COUNCILMEMBERS

Mike Diekhoff noted the team would bowl on Saturday and gave a brief report noting that the fundraising race with the mayor's team was very close.

David Sabbagh announced a Living Wage Forum to be held on Friday of that week. He encouraged citizens to come.

Sabbagh noted the state House Democrats used a parliamentary technique to further their agenda and called upon all legislators in the House to do the people's business and stop the partisan shenanigans.

Dave Rollo noted March was National Women's History Month. He noted the City Hall display window dedicated to WHM, and announced the Women's History Month Luncheon with keynote speaker Molly Murphy MacGregor, the co-founder of the National Women's History Month Project. He noted that Gracia Valliant would be honored as Woman of the Year and that Jeannine Butler would receive the Lifetime Achievement Award at the luncheon. Rollo also announced the Women in Government reception on March 8, 2005 at City Hall, to honor women past and present who serve(d) in government. He noted that Charlotte Zietlow, first woman president of the city council, would be speaking.

Mayor Kruzan openly teased the council members about their bowling team challenge.

▪ MAYOR and CITY  
OFFICES

Kruzan made introductory comments to the Living Wage Ordinance, noting that an updated version had just been distributed to the council at the beginning of this meeting. He thanked Dan Sherman, Council Attorney/Administrator and council member Andy Ruff for their work on this good, tough negotiation of the legislative proposal. He noted that there were some significant changes in the legislation, and that the current proposal was a new starting point and a product of public input.

○ Mayor's statement on  
Living Wage  
Ordinance

Kruzan noted that authors and advocates of this legislation had listened to concerns of interested parties in the past couple of years and had demonstrated flexibility in the production of the ordinance. He credited Ruff with the foresight to continue participation in the process and negotiation with the administration even though he certainly had enough votes to pass the ordinance as originally proposed. Kruzan said he never heard Ruff use this fact as a negotiating tactic and commended him for not forcing the legislation, but embracing and listening to different opinions.

Kruzan admitted that it was not a secret that he was concerned about the proposal, but that every one of his concerns were seriously considered

and addressed. He added that the new draft ordinance was a product of hours of negotiation, of thoughtful debate and spirit of compromise on both sides of the issue. He said that Ruff had successfully brought both sides of the issue to this one synthesis. He said this compromise significantly reduced the fiscal impact to taxpayers, and increased the accountability that's applied to city government now and in the future.

Kruzan noted that this issue had been around for at least two years, was a subject during last year's municipal elections and had been the subject of much community debate. He said the most recent changes were in wage level, definitions of contractors, exemptions for interns and educational opportunities, and other technical changes to streamline the bureaucratic aspects of the ordinance.

Kruzan said that while the ordinance now defined the true meaning and spirit of seasonal employment, he noted that the legislation actually had an early success in a wage equity plan. He noted that, in the course of the discussion and research on the living wage, the administration had found some employees working for the city as "seasonal" with more than seasonal hours. He said this employment situation had been reviewed and changed; there have been nine employees (with three more to come) who had been reclassified to full time employees so that they could qualify for benefits.

Kruzan noted that concerns regarding the non-profits and living wage would be addressed with the provision for waivers, noting that this was flexibility for a mayor or council in awarding city funds. He noted that the tax abatement section was clarified, also. He noted the effective date for applicability was January 1, 2006.

He said this was an important proposal and community debate, and the great success of the negotiations and resulting proposal, he felt, would serve to reduce community conflict over this ordinance. He noted debate, dissent, support would still exist, but that the tension would be reduced and acceptance by the community would be increased by the negotiation that had taken place.

Kruzan cautioned all to be careful about perspective, saying that this ordinance would not solve poverty, and that there was a fear of the unknown and the misunderstood.

Kruzan said the debate would begin with the document presented at this meeting for first reading, and that the community debate would come from this language. He said again that Ruff had considered every proponent and opponent concerns and thanked him for that. He then noted that the council and administration needed to review the legislation on a regular basis, dispel any myths that might arise and address concerns of all.

Ruff thanked the council for allowing the mayor to reorient the upcoming living wage ordinance discussion.

Sabbagh noted that comments by council members, the mayor and the public were restricted to items not before the council for legislation. He noted that the Living Wage Ordinance was actually an agenda item for First Reading, and called the mayor's comments out of order. He noted his objection to the mayor's statement.

Maren McGrane introduced Craig Brenner from the Community and Family Resources Department to make announcements regarding Women's History Month.

- o CFR Department Report (Commission on the Status of Women)

CSW Report (*cont'd*)

Craig Brenner noted that the mission of Commission on the Status of Women was to explore issues and concerns, celebrate women's accomplishments and to assure that women and men have equal opportunity to function fully and optimally as citizens of Bloomington. He added that in order to do these things, the commission acted to identify needs, resources, gaps in resources for women, monitor federal, state and local policies and their impact, stimulate and encourage legislation, issue publications and does all it can to help improve opportunities for women in the community.

He that the CSW had been the main force in celebrating Women's History Month throughout the community, adding that its two main means of doing so include a luncheon and the presentation of the Woman of the Year Award. He noted this year's speakers and award winners.

Jillian Kinzie, chair of CSW and chair of WHM lunch committee added to this report. She said that more than 400 women attend the Women's History Month luncheon annually and more than twelve organizations work with the commission to produce the luncheon each year. She also reported that more than 25 women owned businesses, or organizations that work for or on behalf of women represent their organizations at the event with a variety of exhibit tables.

In giving a report on the commission's other activities, Kinzie told of the commissions charge to monitor the status of women in the community. She said that the Institute of Women's Policy Research from Washington, DC suggested to communities across the country that monitoring was important in areas related to economics, employment, education, and leadership. She reported that the commission was working on a status report and that segments regarding economics, employment and leadership would be finished soon. She noted that the segment on local women's leadership resulted from tracking the decline of women running for and getting elected to positions of leadership and wanting to do more to stimulate that.

Kinzie addressed wage equity issues, relating that a report on women's economic conditions and employment in the community indicate under representation of women in some economic areas and some segregated employment status which mirror conditions at a national level. She said that the commission was trying to monitor and advocate where appropriate. She noted that the commission had recently sent letters to the Bureau of Labor Statistics to indicate some concerns about some reductions in data reports that are required by national organizations. Locally she said the commission was in the midst of conducting a survey of employers to assess some indicators of women friendly employers and hope the results would be finished soon.

Steve Volan noted that he wore a cap in the council chambers, not out of disrespect, but because he is very sensitive to the lights in the council chamber.

- COUNCIL COMMITTEES

Tim Mayer reported that the Utilities Services Board Engineering Subcommittee would meet within the week to discuss sewer extensions. He said the cases would be reviewed, no decision had been made, but the committee would send a recommendation to the entire board after that.

Chris Sturbaum noted that the mayor had appointed Carrol Krause to the Historic Preservation Commission to replace Sue Zabriskie who had served for some time. He noted that by code the council needed to approve this appointment and asked for that approval.

The appointment was approved by a voice vote.

Regina Moore, City Clerk, noting that she was the only woman serving in an elected position in the city, said that she wanted to heighten awareness of the need for more women to be active participants in the city, county and state government. She announced that to that end, and in conjunction with other Women's History Month celebrations, her office would sponsor a reception on Tuesday, March 8, 2005 to honor women who have served on the city and county councils in past years and those presently serving in government. She invited all to come to honor the contributions of these women who have served alongside men in local government.

Margaret Fette, chair of the Libertarian Party, addressed sewer connection problems, in particular what she called the lack of communications between the city and the Utilities Service Board.

She said the council could change the situation and asked that something seriously be done to help the USB understand how to allocate their money. She noted that that short term bonds were an expensive and foolish waste of taxpayers' money, and she hoped that this would concern the council.

She said that there had been a breach in the of balance of power between planning and zoning in the county and the process of sewer connections being held up at the city level, and she didn't think that this was proper or right because there had been people voted in at the county level who should be dealing with those situations rather than people in city government. She said she would like to see action in that regard and said that as a county resident she resented the city taking control of something county officials should be doing.

Then speaking as chair of the Libertarian Party she announced that her constituents would be opposing the living wage ordinance adding that the unintended consequence of that legislation would be to hurt the very people the ordinance set out to help.

Bud Bernitt, self identified as an environmentalist, noted his concern about the mayor's policy regarding sewer hookups in the county. He noted two projects where he believed the city had switched its position on the extensions. He said the city cited environmental and capacity issues as the reason for this change, but Bernitt said this was not the real reason and asked for the real numbers behind these decisions. He noted septic failures in these areas would be disastrous to the environment, and said this change was really about stopping growth. He said the original intent of the USB did not include the mayor having the power he seems to have over the board now. He called for public input regarding sewer extensions and hook-ons.

George Brooks said that he wanted to address negative stereotypes and that people who earn between \$15 – 20,000 per year, are not lazy, stupid, morally inferior or unskilled. He said that sometimes people with a high school education do not get quality offers in their job search. He said that so many working class folks work hard and don't deserve this stereotype.

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

It was moved and seconded that the Ordinance 05-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0. She also noted that the public comment portion of the deliberation would serve as the legally advertised public hearing on this item. It was moved and seconded that Ordinance 05-05 be adopted.

Lynne Friedmeyer, Zoning and Enforcement Manager, explained that the right-of-way alley was west of the Fairview United Methodist Church. She said that the church owned the property on either side of the alley and would like to own the land for expansion of the church, to pave for parking, or to block off for the safety of the children using the

▪ PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Ordinance 05-05 To Vacate a Public Parcel - Re: A Right-of-Way Located at 600 West 6<sup>th</sup> Street which Runs North/South between 6<sup>th</sup> Street and 7<sup>th</sup> Street (Fairview United Methodist Church, Petitioner)

adjacent area as a playground. She added that all utility companies with service lines in the alley have agreed that an easement would be adequate for their needs. She said the Board of Public Works voted to approve the vacation. She noted that there was one condition of approval regarding improvements to the parking area that would affect drainage in the area, and Friedmeyer said the church was agreeable to that condition.

Ordinance 05-05 (cont'd)

David Walter, Trustee with the Fairview United Methodist Church, said that this wasn't a problem until the Children's Corner Day Care, housed at the church, began to use the corner of the parking lot adjacent to the alley as a playground. He said that the public use of the alley by cars might compromise the safety of the children at this time. He noted that utility easements were important to the church and there was no plan at this time to expand the church. He thanked Friedmeyer, Tim Mueller, and other members of the staff and employees that helped him with the petition, noting that the city had hard working employees.

Volan asked which direction the church would expand if needed. He said that the inside corner of the church might need an airlock at sometime in the future, but no specific plans existed at this time. He said normal building permitting process which would be reviewed by Friedmeyer would apply at that time.

Rollo asked if any neighbors had opposed the vacation of the alley, to which Friedmeyer responded, no.

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

It was moved and seconded that the Appropriations Ordinance 05-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no Committee Do Pass recommendation on this item. It was moved and seconded that Appropriations Ordinance 05-02 be adopted.

Appropriations Ordinance 05-02 To Specially Appropriate from the Alternative Transportation Fund Expenditures not Otherwise Appropriated (Appropriating Funds from the Alternative Transportation Fund for Projects Recommended by the Common Council Sidewalk Committee)

Dan Sherman, Council Administrator/Attorney said the ordinance appropriated \$135,424 for sidewalk projects, and gave the website of the report that recommended funding for the specific projects covered in the ordinance.

Mayer thanked Sherman, the administration and fellow council members for their work on the project and outlined each of the proposals from 2004 and 2005 that would be constructed with this appropriation. He added that the council administers these funds for infill projects or links that need to be made from one area to another. He said this fund was not really to be used to solve the overall administration and public works sidewalk goals with new development, but was to be under the purview of the council for smaller projects.

Rollo, council representative from District 4, said that many projects would be constructed in his district and thanked the council on behalf of those constituents. He added that these projects would fill in sidewalks that had not been constructed in the past and served to catch up from the time that developers were not required to put in sidewalks for their developments.

Sabbagh, thanked Bob Woolford from the Housing and Neighborhood Development department who also sat on the committee.

Appropriations Ordinance 05-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the Resolution 05-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no Committee Do Pass recommendation on this item. It was moved and seconded that Resolution 05-02 be adopted.

Resolution 05-02 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2005

Susie Johnson, Director of the Housing and Neighborhood Development Department, presented the mayor's recommendations for the Community Development Block Grant funding for the 2005 year. She thanked her staff and administration with particular recognition to Lisa Abbot, Bob Woolford, Marilyn Patterson and Janet Roberts. She presented highlights of projects completed this year with CDBG funds with special mentions of the 9<sup>th</sup> and Fairview homes the city built with CAP and Habitat for Humanity, a home constructed using 'green building principles,' a new fully handicapped accessible house, two homes that were restored with partners Bloomington Restorations, Inc, and 21 home modifications for accessibility with partner Abilities Unlimited. She also noted agencies that received social service allocations. Johnson assured the council that this money was well used in improving the human condition in the community. Johnson outlined the process by which the CBDG money is allocated, noting the composition of the Citizens Advisory Committee, their activities of site visits and hearings, and scoring of applications. She noted the Redevelopment Commission review of the proposed funding and recommendation to the mayor. She said that this resolution reflected the mayor's recommendation. She then outlined the Social Services and Physical Improvements recommendations as enumerated in the ordinance.

Sabbagh asked about the target areas in the city for use of funds, and asked if these had changed with the last census. Johnson said the department was in the process of updating their Five Year Consolidated Plan which is now on the website for review and included this information.

Rollo said he especially liked the green building designed home, and asked about this year's reduced allocation from the federal government. He asked if other cities were receiving less funding, also. Johnson replied that the federal administration's budget proposal for 2006 offered a 40% cut in CDBG funding across the country. She said this would devastate the funding in Bloomington, and urged citizens to write their representatives to let them know what a valuable resource this money is to the community.

Volan asked about the agencies requests for funding with respect to the amount that they received. Johnson said she believed that the requests reflected the actual need and were not inflated.

George Brooks applauded all efforts to allocate and administrate these funds. He said the projects were extraordinary, and the prospect of federal Housing and Urban Development cuts was an unconscionable statement of the federal government's attention to human needs.

Bud Bernitt noted the Parks and Recreation's budget compared to the money spent on this project and said that the city's priorities were a little skewed. He noted the huge amount of money spent on parks and asked for a council review.

Mayer said has served on the CAC Physical Improvements committee for a number of years. He said Bloomington was unique in its CDBG process because it used citizen participation rather than a council subcommittee, and that it allocated the full 15% allowable to social



Resolution 05-02 (cont'd)

services for human needs rather than using all the grant money for physical improvements. He noted specific home modifications to help keep disabled citizens in their home, a reconstruction of a building for the Center for Behavioral Health, and the Broadview Neighborhood Park that partners the school corporation and the city parks department. He said the wide spectrum of people that he has met has enhanced the process for him, and thanked Johnson and her staff for making it a good process.

Sabbagh said the presentation of how the money had been spent in the past was very much appreciated and thanked the committee for their work. He said he knew how difficult it was to make decisions of allocation. He expressed dismay at the cutting of the CDBG funding and said he'd contact Congressmen Buyer, Sodrel, and Hostettler with his concerns within the week. He noted the state government could come forward with legislation to help with more autonomy, noting that voting out a local representative if one didn't think they were doing their job was an option to be considered.

Rollo said our hands were really tied if the federal government actually cut 40% of the funds for this program. He thanked Johnson for her presentation, saying that the money was well used. He said the social stability of the community, meeting housing and social service needs, is a critical part of our goal of community sustainability. He urged citizens to contact their representatives to tell them how devastating cuts to this program would be saying that Senators Bayh and Lugar would be sympathetic. He said it was a sad commentary, that when 22% of children in the country are growing up in poverty, and when over a half million people are homeless, that the federal government would make these cuts.

Banach noted that Monroe County United Ministries relayed to council that they would be affected by a \$100,000 deficit if they had to comply with the proposed living wage ordinance. He said that while we were complaining about a possible \$400,000 cut from the federal government, we could actually affect this smaller problem with the living wage ordinance.

Gaal thanked Johnson and her staff for their work, and noted that this proposal allocated 15% for social services, the maximum amount allowed under the federal regulations. He thanked Rollo for pointing out that less of these funds would be available, and assured Banach that the council would do what was right.

Sturbaum thanked Johnson for her work, and noted that this federal money was actually our taxes coming back to us. He expressed outrage at the way the federal administration was looking at social programs including health care issues and social security. He said their strategy was to cut social services under the guise of saving the deficit.

Ruff addressed Banach's statement regarding the living wage ordinance that would be proposed. He said that the ordinance regulations would not kick in until the agency had received a \$25,000 subsidy. He also said that there were waiver provisions in the ordinance that should be noted. He said that the column that Banach referred to was misleading and contained exaggerated statements.

Resolution 05-02 received a roll call vote of Ayes: 9, Nays: 0.

Council member Sabbagh noted that he believed that a first reading for this ordinance was out of order at this meeting because he had received a different and marked up copy of Ordinance 05-08 before the meeting

LEGISLATION FOR FIRST  
READING

started. He questioned this version of the ordinance, that he wanted to be sure that our local code had been followed regarding the submission and disbursement of this ordinance.

President Ruff asked Council Administrator/Attorney for clarification.

Sherman noted that the local code required that legislation be in the council office two weeks before it is introduced at the meeting, however the council for years had annually approved a schedule that indicated a ten day period, instead. He said that on February 9, 2005 the council office sent out the ordinance and said the sponsor of the legislation provided the ordinance well before the deadlines. Sherman noted that there were changes that had been passed out at the beginning of the meeting, but that it was often the case with ordinances. He noted the complexity of this negotiated ordinance, and said the new copy was the attempt to make sure that council members were kept up to date on the negotiations.

Ruff noted that this objection by council member Sabbagh was to raise a technicality, but that he trusted Sherman and his administrative abilities. Ruff noted that the marked up copy was an attempt to reduce the amount of time devoted to amendments in the legislative process, which could be costly in terms of time and possibility of error. He asked Sabbagh for a convincing argument that the introduction of this ordinance created a problem.

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. Ordinance 05-08

Ordinance 05-08 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Adopting Chapter 2.28 Entitled "City of Bloomington Living Wage Ordinance")

Banach asked if the most up to date and complete ordinance would be included in the packet the council would receive on Friday. Sherman said this was true and the ordinance was available at this moment. Sherman said that the strike out version was offered this evening to show council members the changes that had been made during the last week, and that the ordinance could be printed without that level of detail, if need be.

It was moved and seconded that the rules be suspended to discuss a change in schedule. Motion to Suspend Rules to discuss a change in schedule

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

The was moved and seconded to reschedule the regular session meeting from March 16, 2005 to March 23, 2005, and to hold a committee of the whole meeting on March 30<sup>th</sup>. Change in Council Schedule

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

There was no public comment at this time. PUBLIC INPUT

The meeting was adjourned at 9:30 pm. ADJOURNMENT

APPROVE: ATTEST:

Andy Ruff, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, September 14, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
September 14, 2005

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

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

Parliamentarian Tim Mayer noted that this was a special session of the council and that, while there would be no public comment periods in this meeting, the public would be asked to comment on each item on the agenda in turn.

It was moved and seconded that Ordinance 05-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-0. It was moved and seconded that Ordinance 05-22 be adopted.

LEGISLATION FOR SECOND  
READING

Ordinance 05-22 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2006

Susan Clark, Controller, stood in for Daniel Grundmann, Director of Employee Services, who would usually present the summaries of the salary ordinances.

She noted that previous hearings had discussed the proposal that fire and police officers get a 2% salary increase, police officers a \$1500 increase, senior police officers a \$1700 increase and both the fire chief and police chief along with other non-union employees an increase according to the merit market grid for non-union employees.

Mayer noted that there were a number of young persons in the council chambers and told them that these legislative items had previous hearings and discussions. He noted that while they might not hear many questions during the deliberations, the council members had asked many questions previously, noted that this was not a rubber stamp session!

There were no public comments on this item.

Ordinance 05-22 received a roll call vote of Ayes: 7, Nays: 0. (Councilmember Diekhoff, who is also a captain of the police department) did not participate in this vote to avoid a conflict of interest)

It was moved and seconded that Ordinance 05-27 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-1-0. It was moved and seconded that Ordinance 05-27 be adopted.

Ordinance 05-27 To Amend Ordinances which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (Ordinance 04-19) and Utilities for the Year 2005 (Ordinance 04-21) - Re: Positions in the Community and Family Resources, Engineering, HAND, Information Services, Office of the Mayor, Parking Enforcement, Parks and Recreation, Planning, the Police Department, Sanitation, and Utilities

Susan Clark, Controller, noted that the synopsis was very detailed and that there had been previous discussion on this item, so she asked for questions.

Sabbagh asked if seven were positions lowered in job grade and three positions were raised in job grade. Clark noted that she had not tallied them that way but was happy to do so at that moment. Sabbagh said he had those notes from the previous discussion, and wondered if those positions where rank was lowered were not administrative positions. Clark noted there were some in ITS, Utilities, and was not sure about Sabbagh's distinction. Sabbagh noted that he would have liked these position changes broken out so that he could more realistically reflect his opinion on them individually rather than one sweeping vote. Clark

noted the reason for bringing all the changes at once was that it was more efficient for council consideration. She noted that she would be amenable to discussing any concern council had with any one line in the ordinance. Sabbagh then asked if any council members were interested in separating out any of the actions listed in the ordinance, and there were none that expressed that interest.

Ordinance 05-27 (cont'd)

There were no public comments on this item.

Sabbagh expressed his concern that every employment change had been lumped in together and lowered the rank of workers in ITS and Utilities while raising the level and increasing positions and payroll in the mayor's office. He noted his concern that this was building up the administration while neglecting the utilities workers and others. He also noted that the need for two deputy mayors concerned him because he thought the city got along fine with one and questioned the need for a second one.

Ordinance 05-27 received a roll call vote of Ayes: 7, Nays: 1 (Sabbagh).

It was moved and seconded that Ordinance 05-21 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-1-0. It was moved and seconded that Ordinance 05-21 be adopted.

Ordinance 05-21 An Ordinance Fixing 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

Susan Clark, Controller, summarized the ordinance, noting that the changes in the previous ordinance (05-27) were incorporated in the changes for the year 2006. She noted that the ordinance included job title changes in Animal Care and Control, Community and Family Resources, Information and Technology Services, Street Department and the Fire Department along with changes in the housing of the Safe and Civil City Director, elimination of Mayor's Staff Assistant and Child Care Caseworker positions due to the end of the grant. She noted that in the Parks and Recreation Department three positions were added due to temporary seasonal positions becoming regular positions. Clark stated that the overall increase in salaries was 3.5%, with the AFSCME increase being dependent on their contract.

Mark Kruzan, Mayor, took the podium to speak about the comments made by Councilmember Sabbagh regarding the changes in personnel. He responded to Sabbagh's comment about having two Economic Development Directors and two Deputy Mayors. Kruzan said this statement was inaccurate and that he thought Sabbagh would understand that both of these positions were assistants and not directors or deputies. He said it would come as a shock to social studies students that there were 100 state Governors because of the Lt. Governor positions, and even that we have two US Presidents because of the position of US Vice President. He said that the creation of the Assistant Economic Development Director was an attempt to address the need for more economic development direction by the city, something he said that Sabbagh had campaigned on. He said he hoped to begin to expand the direction of Economic Development even further.

He noted that the jump in salaries in the Mayor's budget was due to the moving of the Communications Director to the Mayor's Office from the ITS Department. He noted that any chance he had to recruit and retain talented employees he would take, that the 3.5% increase across the board was rewarding all city employees, and that any suggestion that this ordinance was valuing the administration over what he noted Sabbagh called 'the workers,' Kruzan found to be incredibly offensive and narrow minded. He noted that it was unfortunate that Sabbagh felt there was a distinction between the administration and other workers.

David R. Grubb spoke about the Police and Fire Department. He spoke of respectful retirement of Police and Firemen saying that he knew of several that were cheated out of their pensions.

Ordinance 05-21 (cont'd)

Sabbagh noted that the term "city workers" was used numerous times in the budget hearings during the summer as one after another of the council thanked them for their work. He expressed surprise that the mayor was offended by the term 'worker.' He said the United States Vice President and the Indiana Lt. Governor positions were established by the Constitution and until he saw a constitution of Bloomington he didn't think it was fair comparison to talk about an Assistant Deputy Mayor.

Gaal noted that this ordinance actually meant that all city employees will get a 3.5% raise across the board.

Sturbaum, the council representative on the Economic Development Commission said money spent on an assistant to the Economic Development Director was money well spent. He said that since we need to focus on Economic Development as a city, talk of not wanting to add to the resources of the department was peculiar, to say the least.

Mayer thanked the Mayor for bringing the budget forward and thanked every city employee for the work that they do for the administration the city and the citizens.

Volan thanked Sturbaum for his comments, and said he agreed whole heartedly.

Ruff said he appreciated the administrations leadership in expanding the definition of economic development and in increasing programs for economic development activities. He noted specifically those such as working with small businesses, not-for-profits, and the arts, initiating a new study on community sustainability, protection of the environment and enhancing our community character as some of this expansion. He said that the majority of the council understood the progressive definition of economic development and applauded the administration's leadership on the issue and is fully supportive of the budget. He said the move of the Communications Director to the Office of the Mayor was logical and accounted for changes in dollar amounts.

Ordinance 05-21 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 05-20 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 05-20 be adopted.

Ordinance 05-20 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2006

Susan Clark noted that the salaries were computed at the mid salary range of raises.

Sturbaum asked if the city could please pay attention to the salaries of the CATS employees who tape, produce and broadcast the city and county governmental meetings. He said that the salaries may not meet the living wage and wondered if these folks may be falling through the cracks. Clark said that the CATS budget had been increased by \$13,868, a 4.9% increase based on the prior year's receipts from Insight Cable. She said that the city doesn't have much input into the library's budget. Mayer noted that the CATS employees were part of the library's employees, and that the library was in a budget crunch. Sturbaum said perhaps a stipulation of the increase being devoted to

salaries of the CATS employees should be passed on to the Library Board with the next budget.

Ordinance 05-20 (cont'd)

Ordinance 05-20 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Appropriation Ordinance 05-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-1-0. It was moved and seconded that Appropriation Ordinance 05-04 be adopted.

Appropriation Ordinance 05-04 An Ordinance for Appropriations and Tax Rates (2006 Civil City Budget for the City of Bloomington)

Susan Clark, Controller, reviewed revenue highlights of the major budget for the year 2006 noting that the budget proposal for \$50,326,365 which is a 5% increase over 2005. She noted that the General Fund balance at the end of the year is projected to be \$6.1M and at the end of 2006 is projected to be \$6.4M, including the Rainy Day Fund. Clark reviewed the sources of projected revenue for the city, pointing out that the latest information from the state was received after this budget was advertised.

Clark reviewed the computation of the Property Tax Growth Factor with a chart that explained the computation based on a six year average of non farm personal income growth noting that 3.9% was computed for the 2006 budget. She also noted that the levy controlled funds for the City of Bloomington are the Parks General Fund, General Fund, Cumulative Capital Improvement Fund, and the two pension funds. Clark reviewed the increases in the 2006 budget which included an increase in the city's share of health insurance premiums, fuel, retirement contributions, contractual pay increases for fire, police, and AFSCME employees, pay increases for non-union employees, and the General Fund support for the Sanitation program, and the restoration of the computer replacement program.

Clark reviewed the changes in the proposed budget since the hearings in July that amounted to \$455,229.

Sabbagh asked if the City had a program for home heating assistance. Clark said that SCCAP had that program. Sabbagh noted that this budget approved positions and wondered if they could be eliminated after the first of the year. Clark said they could, with the quarterly review of salaries. Sabbagh asked if the money would stay as part of the appropriation, to which Clark answered yes.

Council final comments:

Banach noted that the discussions were extensive in July. He also noted that he would remain opposed to the trash tag program and said they were a big mistake and now the costs had doubled and that the tags did not encourage clean up in the neighborhoods. He noted this was his main sticking point with the budget and would remain so. He said overall he was pleased, however, and was glad to hold the line on taxes and was supportive of the raises for employees.

Gaal said he was pleased that the city is in better fiscal condition this year with reserves at target levels because of steps taken last year. He noted there had been a shared sense of priorities between the majority of council during the budget process which enhanced communication, and noted that the focus on economic development was the best example of this.

Gaal noted that the 2006 budget increases in the Mayor's Promotion of Business line to \$198,000 while increases in transparency and accountability complemented this action. He added that the message sent was that groups interested could apply for money, grants would be

allocated based on a Memorandum Of Understanding which would define expectations and results for the entire community. He noted past recipients of city funds from this line and the uses to which the funds were put. Gaal noted that this budget expanded the definition of economic development to include sustainability, quality of life amenities, tourism and recreation, with a focus on arts that is not contradictory but complementary to a traditional focus.

Appropriation Ordinance 05-04  
(cont'd)

Gaal noted increases in the Jack Hopkins Social Services Fund would help in improving the human condition and noted the CSX rail project will have an impact on downtown and the quality of life in Bloomington. He noted the CSX project would, among other things, serve to unite the East and West sides of Bloomington with new plazas and gathering places, eliminate unsafe rail road crossings and will be the centerpiece of the alternative transportation plan. He added that the Redevelopment Commission had recently given their blessing for the city to make an offer to purchase the rail corridor.

Sturbaum said Gaal named the progressive ideas in the budget and administration but that it's also a responsible budget that doesn't over spend now and then needing to pay later.

Mayer said the budget met the needs of citizens, continues to fund important public works projects such as streets and sidewalks, and especially meets the needs of city employees by increasing the city's contribution to the health care program. He noted that this vote was the culmination of the whole budget process and thanked the mayor and Clark for their work.

Volan noted that the budget process was confusing to the average person in that there were a number of ordinances to consider. He recognized that quality of life is economic development and related a story of a company that relocated to Boston because that's where the opportunities and amenities their labor pool wanted could be found. He noted that Bloomington will be that type of quality place to live.

Sabbagh said parts of the budget that are good, raises, social services and medical care. He had philosophical differences with the way that the city funds economic development. He said the \$198,000 in the mayor's budget for promotion of business did not have a codified plan of disbursement. He noted the council would not have anything to say about how these funds were given out, he didn't understand the procedure of awarding this money, couldn't predict the disbursement of funds and didn't think the process was transparent.

Sabbagh said that there were caps on the levy and other funds, noted that COIT was not capped, but comes from people having good jobs so they can pay into COIT. He tied this into his philosophical difference of economic development with the administration, which he said caused him great concern.

Diekhoff thanked the administration for supporting public safety with a fire training facility, police firing range, and more police officers.

Banach, noted that in a city that bans smoking, 5% of our revenue comes from cigarette and alcohol taxes.

Ruff, noted that the budget approached funding priorities of the mayor in the areas of improving the human condition, preserving and enhancing community character, and promoting economic vitality in a fiscally responsibly manner. He said that increases in employee salaries reflected these priorities.

Ruff addressed the mayor's promotion of business line of \$198,000, by noting that there were many years that the council voted on this fund without knowing how the money was spent, and the real effect of this new approach increased accountability. He noted that economic incentive accountability was a major component of the mayor's commitment and campaign and he should be congratulated in following through on this promise. Ruff addressed the claim of councilmember Sabbagh not knowing the process of the disbursements of the mayor's promotion of business line by noting that the agreements with grantees were available to anyone and council members could see those agreements. Ruff also pointed out that in past years, the council voted on the budget and never knew how the money was actually disbursed.

Ruff read from Plan Kruzan on economic development and said that the process that has been developed has covered that. He said that the mayor had actually reduced controversy on the transparency of disbursement of these funds, broadened the definition of economic development, and increased the total amount spent on economic development with a more community-wide embrace of this expenditure. He noted that this was a major accomplishment.

Ruff encouraged the council members who have questions on the process or content of these agreements to approach the administration and attend press conferences with the groups receiving the funds such as the BEDC, Franklin Initiative and the Small Business Development Alliance.

Ruff asked for any second round comments from the council members.

Volan, in response to Banach's statement on trash tags, noted that the trash tag program help people be more responsible for their trash. He noted his work on the solid waste district and also noted that the city didn't raise the cost of tags for 10 years even though other costs had risen.

Banach responded by disputing the statement that the people generating most trash don't pay property taxes. He said that owners of properties near campus are the tax base of the city and they do have a trash problem, one of educating their tenants. Banach said he'd be a proponent of raising taxes to the point of about \$10 per household per year to cover the cost of sanitation without tags.

Sturbaum said there was no free lunch, no free trash and thanked Clark for a good and transparent process.

Sabbagh thanked Susan for her work. He said the utmost in transparency would be a line in the mayor's budget with a specified amount of money allotted to the BEDC. He said that the BEDC had accountability since the council president and the mayor sit on its board. He said the BEDC was not funded last year and they are an excellent organization. He reiterated his conflicting philosophy of economic development stating that he holds the classic definition of creating jobs and generating lots of COIT.

Gaal said that he was trying to understand Sabbagh's opposition to the transparency in the disbursement of economic development funds from the mayor's budget but disagreed with his naming it a "blank check." He said that the blank check model is exactly what was done in the past, and that caused a lot of controversy on the council and in the community. He said that the current model will explicitly state what moneys would be received, with everything put in writing with a clear understanding of the public benefit.



Mayer asked that council members confine their comments to what they know, and not presume what other council members know.

Appropriation Ordinance 05-04  
(cont'd)

Ruff said he knew for certain that there was never a line item in the budget labeled BEDC and the statement that there was was an inaccurate statement. He added that that the statement that the BEDC was not funded last year was wrong also, in that the Life Sciences Initiative (part of the BEDC) received a significant grant from the city last year. Ruff noted that the new process specified the amount of money granted, use of the money, how that use benefits the community, and requires reporting back to the city by the agency receiving the economic development grants. Ruff said that this is absolutely, objective and factually far more accountability than existed in previous years.

Ruff noted that philosophical differences are fine and invited those who have them to run for mayor.

Ruff noted that a large part of the satisfaction with this budget was that the council and administration worked together early on to address concerns. He said the council felt that their voices were heard, and the voices of constituents spoken through council members were heard.

Appropriation Ordinance 05-04 received a roll call vote of Ayes: 7, Nays: 1 (Sabbagh).

It was moved and seconded that Appropriation Ordinance 05-05 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 Appropriation Ordinance 05-05 be adopted.

Appropriation Ordinance 05-05 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2006

Patrick Murphy, Director of Utilities, noted that the department has adopted the civil city format, and was committed to transparency, also. He said that this was a rate payer based budget that covered the basics of water, wastewater and stormwater utilities in a \$24 Million budget.

Sturbaum asked how the improvements were going at the water treatment plant. Murphy said the progress was going well with just a few items left to complete by the fall.

There were no comments from the public on this ordinance.

Mayer thanked the employees of utilities for working at all hours of the day and night.

Sturbaum said he thought the city was doing an excellent job with this utility.

Appropriation Ordinance 05-05 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 05-24 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 05-24 be adopted.

Ordinance 05-24 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation for the Year 2006

Lew May, general manager of the PTC, summarized the overall budget with its 2.62% increase.

Sturbaum asked if there were any developments on the downtown shuttle since last weeks' discussion. May said there had been no change since last week.

There were no comments from the public on this budget.

Ordinance 05-24 (cont'd)

Volan said he was interested in the line item in the PTC that indicated that 5% of the budget comes from fares. He said he would like to eliminate this and support free fares for citizens and hoped that the council would investigate this next year. He said he was riding bus 6 three times a week and was becoming more of a fan of the PTC daily. Volan said free fares for citizens would have a powerful impact on the city, especially the core of the city, and that he would be looking for ways to do this in the next year. He thanked May and his staff for their work.

Mayer reiterated that IU students do not ride for free, but pay a transportation fee for all buses.

Sturbaum said he had noticed more and more folks waiting for buses, and said he thought we were moving in the right direction.

Lew May noted that in the first two weeks of this school year there had been an 11% increase over the same two week period from last year. He said this may indicate a record 2.1 million riders projected for this year. Answering a question regarding what had caused this increase in riders, May noted gasoline prices rising to over \$3 per gallon, and increase in enrollment at IU, and a bargain of \$.75 per ride on the BT buses. He also noted that the #6 route serves Smallwood and since that building is at full occupancy there has been a rise in riders on that route. May noted that there was a rise in riders other than students.

Ordinance 05-24 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Appropriation Ordinance 05-06 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 Appropriation Ordinance 05-06 be adopted.

Appropriation Ordinance 05-06 To Specially Appropriate from the General Fund and Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating a Transfer of Funds within the General Fund – Animal Care and Control Division; Appropriating Funds from the General Fund – Fire Department for Overtime; Appropriating Grants Awarded to the Police Department; and Appropriating Funds from the Risk Management Fund for Workers Compensation Charges)

Susan Clark, Controller, noted the four items within the appropriation and their uses.

There were not council comments, or public comments on this item.

Appropriation Ordinance 05-06 received a roll call vote of Ayes: 8, Nays: 0.

The meeting was adjourned at 9:25 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, October 19, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
October 19, 2005

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

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Gaal noted Congressman Sodrel's recent constituent mailing regarding eminent domain, calling it another example of the tactics of fear used by the current federal administration and said that the report used the words "the recent Supreme Court ruling could end the American right to hold property as we know it." Gaal, a practicing attorney, said this statement greatly exaggerated, if not misrepresented the recent Supreme Court ruling which was argued in the name of economic development.

REPORTS:

- COUNCILMEMBERS

Gaal said it was ironic that Congressman Sodrel and his Republican Party were, with the same economic development argument, promoting the most massive use of eminent domain affecting our local community and state in decades, the biggest threat to private property rights on the horizon: I-69.

Gaal noted several independent studies which estimated the cost of each new job that the highway would create in four rural southern counties was \$1.65M per job. Gaal said that other rural economic development tools such as rural enterprise zones, business incubators, public works projects could create jobs in those counties with an average cost per job of \$1,000 to \$5,000, noting that the highway was not a cost effective economic development strategy.

Gaal noted that tourism and recreation were part of the Bloomington Economic Development Corporation's strategic plan, gave statistics on the economic impact on Bloomington, and asked what types of economical and psychological impact a toll road would have on this industry. He added that while INDOT did not specifically address the question, he believed there would be a great impact.

He reminded citizens that the council had passed a resolution expressing its belief that I-69 would undermine Bloomington's strategic economic comparative advantage, our quality of life. He suggested that proponents of the new highway construction take a second look to see if their arguments still made sense in the context of a toll road, and suggested that people concerned about property rights worry more about Mike Sodrel than the Supreme Court.

Chris Sturbaum reported on celebration of downtown projects, specifically Opie Taylor's and Black's Mercantile adding that these projects received statewide attention recently. Sturbaum noted the newspaper articles did not mention the city's funding incentives for projects like these. Sturbaum commented on Donovan Rypkema's recent visit to Bloomington and his lecture on historic preservation and restoration. He said that that Rypkema gave Bloomington very high marks in this area.

Steve Volan acknowledged Chris Smith's work on the Opie Taylor building and Mike Black's work on Black's Mercantile and their commitment to downtown Bloomington. Comments on the idea of a mixed-use downtown environment and the challenges of finding money for those projects.

David Sabbagh echoed Volan and Sturbaum's comments. He reflected on the effects of the smoking ordinance on Mike Black's other establishment, the Video Saloon, and praised Black's choice of opening another business to compensate for business lost because of the smoking ordinance.

Dave Rollo recapped the above comments. He announced information regarding sidewalk discussions for Nancy Street in District 4. He also praised the recent local events held in conjunction with the Bioneers National Conference in California.

Deputy Mayor, James McNamara, introduced Officer Brad Siefers with the Bloomington Police Department. Siefers, a native to Bloomington, was following in his father's footsteps to become a police officer.

Officer Siefers cited his 13 year service, and thanked council members for their support in his presentation. He proceeded to present an award to the City of Bloomington and Mayor's Office from the National Guard Bureau for recognizing and supporting Siefers and his family during his recent deployment overseas.

Mayor Kruzan accepted the honor and mentioned that Siefers was a student of his in 1989 and that Siefers said he wanted to be a police officer even then. Kruzan also recognized and thanked all local fire-fighters that were recently deployed. He reflected on how pleasant it was to be able to provide a sense of peace of mind to those deployed with the security that the jobs they leave will be there for them when they return.

Lisa Abbott, Assistant Director of the Housing and Neighborhood Development department, read a proclamation regarding lead poisoning and the health and safety of families, especially children. The week of October 23<sup>rd</sup> represents Lead Poisoning Awareness in Bloomington as initiated by our Mayor Mark Kruzan. She cited that new testing techniques have been developed and must be completed by licensed risk-inspectors. She introduced Mike Arnold, a HAND lead inspector, and said that their department was ahead of the game and new testing requirements with certified employees able to implement these requirements.

Mike Arnold described a grant received to determine if specific cleaning practices were successful in reducing lead hazards. Arnold said that 100 homes were assessed and that homeowners were educated on lead poisoning risks and safety measures. He said that twenty homes were chosen in a six month study to of EPA cleaning guidelines, and that five homes were from the study joined CAP's Weatherization Program. Arnold reported that the results show if information is given to home-owners and the instructions followed properly, lead risks can be reduced.

Volan asks for a statistic on how much of Bloomington is affected by the risks associated with lead paint to which Arnold responded that 60% of the housing stock in Monroe County was at risk. Volan asked if reports were compiled reflecting homeowners that have worked on solutions, to which Arnold said they were not.

Mayor Kruzan said that he believed Volan's comment about having his own awareness increased is a crucial component of solving this problem. He said he believed this was a public health issue, not just an environmental one. He cited that lower income regions across the state struggle more with this problem and find it more challenging to receive information on how to protect themselves. Thanked the HAND department for efforts on raising awareness locally.

Reports from Councilmembers (*cont'd*)

- MAYOR and CITY OFFICES
  - National Guard Award
  - Report from HAND on lead poisoning

McNamara read another proclamation from Mayor Kruzan regarding residents of our community who are disabled. Mentions that Mayor Kruzan declared the month of October was dedicated to raising awareness of the barriers that exist both physically and socially for those who are disabled. In addition, McNamara said that Kruzan also declared that October 19<sup>th</sup>, 2005 was Career Exploration Day in Bloomington. McNamara presented the declaration to Susan Ross from Stonebelt Center.

- o Proclamation on disability awareness

Ross showed pictures of the celebration this day adding that events such as these to increase awareness of employment of people with disabilities and improving awareness with local business people.

There were no committee reports.

David R. Grubb spoke on his recent experience in jail with miss-managed medication distribution, relayed his thoughts on environmental issues across the country and locally, and made comments on the conditions of service people in the current war.

- COUNCIL COMMITTEES
- PUBLIC INPUT

It was moved and seconded that Shirley Davies be appointed to the Animal Control Commission. The appointment was approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

President Ruff thanked Ms. Davies for her willingness to serve on this commission.

It was moved and seconded that the Resolution 05-20 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 05-20 be adopted.

LEGISLATION FOR SECOND READING

Resolution 05-20 Resolution of Support for the Bloomington Urban Enterprise Zone and Association

Lisa Abbott, Assistant Director of Housing and Neighborhood Development reported on the Bloomington Urban Enterprise Zone Association giving background to the association and an overview of its work. She highlighted the Historic Commercial Buildings grant.

Sturbaum mentioned his support of the program and that the incentives to downtown are important because an owner learns a great deal about preservation of historic buildings. He cited this was not a partisan issue but an issue of what is best for the future of our community.

Resolution 05-20 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the Resolution 05-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 05-19 be adopted.

Resolution 05-19 To Approve Application and Authorize Grant from the Business Investment Incentive Fund (Middle Way House, Inc., Petitioner)

Danise Alano, Assistant Director of Economic Development, gave details of the resolution that would authorize a \$25,000 non-profit initiative grant from the Business Investment Incentive Loan Fund and gave more details of the particular project of making capital improvements to the former Coca Cola Bottling plant on South Washington Street. She noted that this project will allow for Middle Way House to expand its services to those who need it and add employees.

Toby Strout, Director of Middle Way House, complimented Alano's presentation and offered to answer questions.

Gaal noted that this was not only an investment in an important social service agency but also an investment in the fabric of our downtown, and said he was happy to support the resolution.

Resolution 05-19 (cont'd)

Diekhoff points out how the improvement to the Coca-Cola building will be a major facelift for the area around the Third Street park.

Rollo said that long before the city spoke about sustainability, Middle Way House was practicing it. He extended congratulations to Strout on her appointment to the Sustainability Commission.

Sturbaum recounted that the Economic Development Commission unanimously supports this resolution.

Resolution 05-19 received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation for first reading at this meeting.

LEGISLATION FOR FIRST  
READING

There was no public comment at this meeting.

PUBLIC INPUT

The meeting was adjourned at 8:47 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

for approval