

**City of  
Bloomington  
Indiana**



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**To: Council Members**  
**From: Council Office**  
**Re: Weekly Packet Memo**  
**Date: October 1, 2004**

## **Packet Related Material**

**Memo**

**Agenda**

**Calendar**

**Notices and Agendas:**

*None*

**Legislation for Final Action:**

**Ord 04-29** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” (Amending Chapter 2.23 Entitled “Community and Family Resources Department” by Removing Section 2.23.040 (Community and Family Resources Forum) and Modifying Section 2.23.050 (Community and Family Resources Commission))

*(Please see the packet distributed on 9/17/04 for the 9/22/04 Regular Session for the summary, legislation, and background material.)*

*Contact: Pete Giordano at 349-3559 or [giordanp@bloomington.in.gov](mailto:giordanp@bloomington.in.gov)*

**Ord 04-28** To Amend the Text of Title 20 of the Bloomington Municipal Code Entitled “Zoning” (Revising the Definitions Along with the Permitted and Conditional Use Allowances for Hospitals and Outpatient Care Facilities)

Am 1 – Correcting grammar in one section of the ordinance (Attached)

*(Please see the packet distributed on 9/17/04 for the 9/22/04 Regular Session for the summary, legislation, and background material.)*

*Contact: Tom Micuda at 349-3459 or [micudat@bloomington.in.gov](mailto:micudat@bloomington.in.gov)*

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

*None*

**Minutes from Regular Session:**

June 16, 2004

*(Over)*

## Memo

### **Two Items Ready for Final Action - No Items Ready for Introduction on Wednesday, October 6<sup>th</sup> - No Need for October 13<sup>th</sup> Committee of the Whole**

There are two items ready for final action, but no items ready to be introduced next Wednesday, which means there will be no reason to hold a Committee of the Whole on following week (October 13<sup>th</sup>). Please note that there is an amendment to **Ord 04-28** (enclosed). Although it is minor and grammatical in nature, the amendment changes the recommendation of the Plan Commission and, therefore under I.C. 36-7-4-607(e), must be returned along with a written statement of the reasons for this change to the Plan Commission for further consideration. Please also note that new text has been added to the bottom of the amendment (in italics), which explains the statutory procedure and indicates that the synopsis is intended to serve as the required written statement of reasons for the amendment. Tom Micuda anticipates that the Commission will take this amendment up at its October 11<sup>th</sup> meeting.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, OCTOBER 6, 2004  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** Regular Session, June 16, 2004

**IV. REPORTS FROM:**

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

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Ordinance 04-29 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Amending Chapter 2.23 Entitled "Community and Family Resources Department" by Removing Section 2.23.040 (Community and Family Resources Forum) and Modifying Section 2.23.050 (Community and Family Resources Commission))

Committee Recommendation: Do Pass 8 - 0

2. Ordinance 04-28 To Amend the Text of Title 20 of the Bloomington Municipal Code Entitled "Zoning" (Revising the Definitions Along with the Permitted and Conditional Use Allowances for Hospitals and Outpatient Care Facilities)

Committee Recommendation:

As Amended: Do Pass 6 - 1 - 1  
Amendment 1: Do Pass 8 - 0

**VII. LEGISLATION FOR FIRST READING**

*None*

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

**IX. ADJOURNMENT**

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**To: Council Members**  
**From: Council Office**  
**Re: Calendar for the Week of**  
**October 4, 2004 – October 9, 2004**  
**Date: October 1, 2004**

Monday, October 4, 2004

5:00 pm Redevelopment Commission, McCloskey  
5:00 pm Utilities Service Board – 501 N. Morton, Conference Room 100B  
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room

Tuesday, October 5, 2004

12:00 pm Martin Luther King, Jr., Birthday Commission, McCloskey  
1:30 pm Development Review Committee, McCloskey  
6:00 pm Neighborhood Improvement Grant, McCloskey  
7:00 pm Telecommunications Council, Chambers

Wednesday, October 6, 2004

12:00 pm Bloomington Urban Enterprise Association, McCloskey  
6:00 pm Citizen's Academy, McCloskey  
7:30 pm Common Council – Regular Session, Council Chambers

Thursday, October 7, 2004

4:00 pm Bloomington Digital Underground Advisory Committee, McCloskey  
5:30 pm Commission on the Status of Women, McCloskey

Friday, October 8, 2004

1:30 pm Metropolitan Planning Organization – Technical Advisory Committee, McCloskey

Saturday, October 9, 2004

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

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

**Ordinance #:** 04-28  
**Amendment #:** 01  
**Submitted By:** Council Office (After Consultation with the Planning and Legal Departments)  
**Date:** September 29, 2004

**Proposed Amendment:**

1. Part A of Section 3 of the ordinance, which amends Section 20.07.14.02 of the Bloomington Municipal Code, regarding the Purpose, Permitted Uses, and Conditional Uses in the MEDICAL (M) District shall be amended in the following manner:

The first paragraph in (a) shall be amended by striking the word “hospitals” as it appears in the first line and converting the word “uses” from plural to singular as it appears after the word “hospital” in the third line, so that the first paragraph reads as follows:

(a) Acknowledging the special nature of the services provided by Bloomington Hospital, the M district provides for the location and regulation of this hospital use and other medical uses appropriate to a hospital vicinity.

**Synopsis**

This amendment is intended to be minor and merely correct the syntax in the opening paragraph of Part (b) of Section 20.07.14.02, which concerns the Purpose, Permitted Uses, and Conditional Uses in the MEDICAL (M) District. The changes, in particular, remove the word “hospital” from the first line and convert the words “hospital uses” from the plural to singular form in the third line.

*Note: Since this amendment would change the recommendation of the Plan Commission regarding the text of the City’s zoning ordinance, I.C. 367-4-607(e) requires that the Council send the change to the Plan Commission with a written statement of reasons for its action. The synopsis is intended to serve as the required “written statement of reasons” for the change. If adopted, this amendment would then be forwarded to the Plan Commission, which would then have the opportunity to adopt, reject, or fail to act upon it. If, as expected, the Plan Commission adopts this amendment, it would go into effect immediately upon the filing of a report of the Commission to the Council regarding this action.*

**9/29/04 Committee Action:** Do Pass            8 – 0 (Absent: Rollo)  
**10/6/04 Regular Session Action:** Pending

October 1, 2004

In the Council Chambers of the Showers City Hall on Wednesday, June 16, 2004 at 7:30 pm with Parliamentarian Timothy Mayer conducting the beginning of a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
June 16, 2004

Roll Call: Ruff (arriving at 7:45), Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer  
Absent: Banach, Diekhoff

ROLL CALL

Parliamentarian Tim Mayer began the meeting by giving the Agenda Summation.

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Stephen Volan reported on his latest meeting as council representative to the Solid Waste Management District Board. He urged the public to contact their council representatives or himself to make their concerns known. Volan reported that currently there were competing proposals from Hoosier Disposal and Santec regarding landfill issues and at this date there hadn't been a vote to accept either proposal. Volan asked anyone wanting more information about these issues or with comments and concerns to contact him by e-mail.

MESSAGES FROM  
COUNCILMEMBERS

David Sabbagh said that Kirk White, former City Council Member was going to Camp Atterbury with his National Guard troop and then going off to Afghanistan. Sabbagh said he disagreed with the national policy, but wished the men a safe return. He said he does not, however, advocate for the closure of the Crane Naval Base saying that it has great economic impact on the area and its closing would have twice the impact on the community as the Thompson closing.

Chris Sturbaum said he had conversations with people he respects and was surprised to find he disagreed with them with regard to the proposal for the Renwick development. He added that how these disagreements are dealt with speaks to community character. He continued to say that there were many benefits for the neighborhoods surrounding this development. Sturbaum announced that he would not be voting on the Jack Hopkins Social Services Program funding legislation as his wife was employed at Planned Parenthood and he didn't want there to be any appearance of impropriety on his part.

Chris Gaal said he appreciated council member comments and agreed that the council needed to keep its focus upon the important issues before them. He announced that South Central Indiana Jobs with Justice and Services Employees International Union were cosponsoring a National Day of Action to support the concept of universal Health Care.

James McNamara, Deputy Mayor, announced the next chapter in the ongoing series of reports about city programs as being from Parks and Recreation.

MESSAGE FROM THE MAYOR

Anna Weigand (Youth Services Coordinator for Parks and Recreation) presented material on a special team-building program on the Bloomington High School North grounds called the "low ropes competition" and said that this program was designed to promote healthier lifestyles for kids in the fifth grade or older. She also introduced program staff member Susie Griffin.

There were no committee reports.

COMMITTEE REPORTS

Chaim Julian spoke about the Bridge to Health Care rally to be held on June 19<sup>th</sup> in the Miller Showers Park.

PUBLIC INPUT

There were no appointments to boards or commissions.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Resolution 04-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0. It was moved and seconded that Resolution 04-12 be adopted.

LEGISLATION FOR SECOND  
READING

Resolution 04-12 Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2004 and Other Related Matters

(As noted in his comments earlier in declaring his intent to refrain from participating in this decision, Sturbaum left the bench during this discussion.)

Mayer, Chair of the Jack Hopkins Social Service Funding Committee reported on the committee work that resulted in this resolution. He identified committee members, reviewed the chronology of meetings, and noted actions taken at each meeting. He said the total amount requested from 29 applications amounted to \$229,000 while there was only \$110,000 available for funding. He outlined each of the 21 agencies and their program applications to give a sense of the nature of the applicants and their needs.

Several citizens made public comments included here:

Scott Tibbs, a resident of the 5<sup>th</sup> District, said he opposed taxpayer funding for Planned Parenthood on the grounds that the request for the cervical cancer screening machine would actually encourage the spread of cervical cancer. Tibbs's rationale was that Planned Parenthood encouraged teen sex by promoting the use of contraceptives and that teen sex is a precursor to cervical cancer.

David Canfield, a business owner and resident of Monroe County, opposed the funding to Planned Parenthood on the grounds that it is a profitable organization despite their claims of being a not-for-profit. He provided statistics dating back to 1987 to illustrate their profits and said the only reason for the city to provide funding was to show its support of the organization.

John Shean, a local attorney, commended council member Sturbaum for abstaining from this vote. He urged the exclusion of Planned Parenthood from the funding on the grounds that it encouraged early sex between teenagers and said that condoms do not prevent the spread of HPV (Human Papilloma virus). He added that Planned Parenthood was a very wealthy organization and did not need funding.

Kelly McBride, Sexuality Educator for Planned Parenthood, explained funding sources for the organization as well as a statement of their current funding request before the council committee. She said that Planned Parenthood is considered a reliable source for healthcare in the community and not a wealthy organization. She spoke about the intent of their request and how it helped low-income families not have to choose between healthcare and food. She encouraged the council to focus on the health of our community and not get sidetracked by other issues that were not actually related to the purpose of this funding request.

Brad Wilhelm, Director of Rhino Center, offered his thanks, on behalf of 14 agencies, to the Council for time and effort devoted to this resolution.

Volan addressed the controversial qualities of the Planned Parenthood request. Having his interest piqued by comments made by Tibbs, he used his laptop computer on the council desk to access the website *teenwire.com* to find the citations that Tibbs said encouraged teen sexual behavior on prom nights. Volan described the site and added that he did not believe that any of the verbiage on the site actually promoted sex among teenagers. Volan said that his reasoning for bringing this up was to make the public aware that their concerns are researched, reviewed, and that council members tried to make decisions without bias. Volan stated that he did not

believe the rationale offered by those speaking against Planned Parenthood funding on this basis was supported.

Resolution 04-12 (cont'd)

Sabbagh acknowledged the difficulty of dispersing only \$110,000 to very worthy and important agencies and noted it was unfortunate that controversy would arise from different peoples' view about what is an important cause to support and what is not. As such, Sabbagh vocalized his long-standing support of Planned Parenthood and spoke of the types of services they offer and the fact that their patients are in need of these services. He added that since more than 68% of Planned Parenthood's clientele fell below the poverty line, it was a necessary structure for any community. He commended them for dedication and hard work and offered respectful disagreement with anyone who maintained the position that Planned Parenthood should not be supported by its community and city council members. He offered his support of the Resolution.

Rollo thanked Mayer for chairing this committee and all those who participated adding that the inability to meet the request of every agency was not for lack of deliberation, but simply a lack of funds. He also stated the importance of this funding tool for local government to use. Rollo voiced his support for Sabbagh's comments and stated that he believed in women's reproductive rights and the role that Planned Parenthood played in their patient's lives and health care decisions.

Mayer reiterated the struggle that accompanied the decision process for distribution of funds. He stated that the decision of the committee reflected that funds were distributed to those who needed it the most: children, families, low-income individuals, and the disabled. Mayer said that issues with regards to teen sex are best dealt with by responsible parenting, and that Planned Parenthood is not responsible for this problem.

Gaal spoke about the shortcomings of the funds to deal with the funding focus on food, clothing, shelter, and broad long-lasting benefits in the community. He highlighted the Mental Health Alliance and Family Service Association Program listing the ten thousand dollars for a jail diversion specialist as an example of a program designed to keep those with mental illnesses out of jails and help place them where they can obtain special care and consideration. He said that with respect to the controversy over Planned Parenthood, it was his opinion that screening for cervical cancer was not controversial. Gaal said that many times a policy that sets back medical science and prolongs human suffering is fostered in the name of a particular religious view and political agenda, and he gave the example of the current societal controversy over stem-cell research. He stated that a microscopic ball of 200 cells, smaller than a grain of sand, did not warrant the same rights as a diabetic child who might be spared a lifetime of suffering. Gaal spoke of the movement through Congress, spear-headed by former first lady Nancy Reagan, to urge President Bush to change his policy on stem-cell research and read her statement:

I just don't see how we can turn our backs on this. We have lost so much time already. I just really can't bear to lose anymore."

Gaal said he believed Reagan's position was very important and hoped others would follow her lead and continued to read a quote from Ron Reagan Jr.:

"Dad was also a deeply, unabashedly, religious man. But he never made the fatal mistake of so many politicians; wearing his faith on his sleeve to gain political advantage.

"The Bush people have no right to speak for my father. Particularly because of the position he is in now. Yes, some current policies are an extension of the eighties, but the overall thrust of this administration is not my father's. These people are overly reaching, overly aggressive, overly secretive, and just plain corrupt. I don't trust these people."

Gaal concluded by saying that he agreed with this statement and that we should think hard about stem-cell research.



Ruff commented on his experience serving on the Jack Hopkins Social Service Funding Committee and thanked the staff for their time. He said he admired Scott Tibb's persistence and commitment adding that while this may be a political issue, he was particularly struck by the statement given by Mr. Wilhelm. He said the real problem was for those people who do not have adequate healthcare, and added that the political nature surrounding Planned Parenthood did not outweigh this national issue of lack of adequate healthcare for citizens. He added that no one, except for patients, was profiting from Planned Parenthood and he refuted the comment that half of the county residents would be opposed to granting this organizations request for funding. He commended Volan for exposing the website in question and using his own senses to see if the site was, indeed, suggestive.

Resolution 04-12 (cont'd)

Resolution 04-12 received a roll call vote of Ayes: 6, Nays: 0. Sturbaum did not deliberate or vote on this Resolution.)

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

John Shean, attorney, said that his taxes helped to pay for actions by this council. He commented on the importance of Crane Naval Weapons Base to the local economy and said that leaders at Crane were concerned with I-69's construction along the proposed route. He said this highway construction would help ensure the viability of Crane.

PUBLIC INPUT

Scott Tibbs said he believed that Ronald Reagan, if he had all his faculties, would be opposed to stem cell research.

It was moved and seconded to suspend the rules in order to discuss an item not on the agenda. The motion received a roll call vote of Ayes: 7, Nays: 0.

Motion to Suspend the Rules

It was moved and seconded that the committee meeting scheduled for June 23, 2004 be cancelled. The motion received a roll call vote of Ayes: 7, Nays: 0.

Motion to Adjust Meeting Schedule for June and July.

It was moved and seconded to reschedule the July 7, 2004 Regular Session meeting to July 14, 2004.

The motion was approved by a voice vote.

The meeting was adjourned at 9:00 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Michael Diekhoff, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington