In the Council Chambers of the Showers City Hall on Wednesday, June 17, 2015 at 7:30 pm with Council Vice President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 17, 2015

Roll Call: Ruff, Sandberg, Volan, Granger, Sturbaum, Neher, Mayer
Absent: Rollo, Spechler

ROLL CALL

Council Vice President Ruff gave the Agenda Summation

AGENDA SUMMATION

The minutes of April 1, 2015 Regular Session, April 22, 2015 Special Session and June 3, 2015 Regular Session were approved by a voice vote.

APPROVAL OF MINUTES

REPORTS

- COUNCIL MEMBERS

Steve Volan noted enforcement for the new parking hours began on June 15th. He said the hours of enforcement were shortened by two hours per day, and that now all garages offered three free hours of parking per day. He noted that people could use a ParkMobile app to pay for parking on a pay-as-you-go basis. He said this was the most significant change for him as it meant you didn't have to guess how much time you would need to park, and only used one transaction fee.

Volan noted his constituent meeting the previous week that addressed activities on Kirkwood. He said a hundred people came to the meeting and shared ideas. He said one idea was that there should be a public bathroom in People's Park. Volan said he was willing to sponsor that proposal, and asked for people to get involved and to let him know what they thought. He said it may not be the best idea, but the community needed to come up with solutions to these problems. He urged people to take note of the budget process this year.

Chris Sturbaum welcomed a troop of Boy Scouts to the council meeting. He said politics was a lot like school in that only a few people participate in planning for dances but a lot of people had a good time at the dance. He asked them to get involved and be one of those few.

- The MAYOR AND CITY OFFICES
- Tax Abatement Report

Jason Carnes, Assistant Director for the Department of Economic and Sustainable Development, gave the tax abatement report based on information on forms filed by the May 15th filing deadline.

Carnes summarized the tax abatement program in general. He covered the purpose, the phase in of new taxes due to the abatement, the process of authorizing abatements, and annual reporting requirements. He summarized overall economic impact of proposed investments vs. actual investments, the impact of new jobs and salaries that had been proposed in the applications vs. actual figures, total jobs with salaries for both new and retained jobs, and the increase in assessed value of projects that have received tax abatements.

Carnes stepped through each project, described the statements of benefits with proposals, compliance figures from the CF-1 forms and the staff recommendations for a council finding that the projects were in compliance. He reviewed abatements that had been approved but had not yet started the period of abatements. He also listed the tax abatement projects that had expired within the last year.

Volan asked why the amount of savings to the property owner was not listed in the report. Danise Alano-Martin, Director of the Economic and Sustainable Development Department, said the abatements were phased in and that the tables presented showed the percentage of the tax due on new assessed value. She said the abatements approved prior to the state legislature requiring a deduction schedule followed the state deduction schedule at the time of the abatement.

Volan asked why rental housing was not just another commercial project for reporting purposes. Alano-Martin said that the report was developed in a way that made sense in separating out different types of uses.

Tax Abatement Report *(cont'd)*

Volan asked why Cook Pharmica stated in their proposal that they would invest $15M in real estate and ended up investing $112M in real estate. Alano-Martin said they continued to re-invest and said they made investments in the existing building. She said the changes in lines of manufacturing necessitated renovations to the interior of the building as they created clean rooms, changed air handling, and modified other components of the building. Volan asked if they literally spent $90M in these changes, to which Alano-Martin said these changes had all taken place since 2004.

Volan asked who promulgated the Memorandum of Agreement (MOA) for the Woolery Project. Alano-Martin said that MOAs were drawn up according to the general standards that were adopted by the council for all tax abatements. She said they included definitions of substantial compliance and claw back terms. Volan asked if Woolery had gotten a second MOA. Alano-Martin said their initial approval in 2004 happened before the council approved new standards for tax abatements. She said when the council had approved a new deadline for the Woolery project the MOA was created.

Ruff asked for a summary of the Woolery construction progress report. Alano-Martin said that part of the MOA required yearly updates prior to construction and quarterly reports while the project is being constructed. She said the report was given on May 22nd and they were working through all the processes and agencies that needed to be in place before filing for a construction permit.

Ruff asked if this was a unique situation or something that would be used in more projects in the future. Carnes said it was unique in that it was a historic structure and had specific standards. He said that with a building this big, the Federal Department of Homeland Security was also involved at this stage. Alano-Martin said it was not a typical historic renovation like the houses on Kirkwood.

Ruff asked what decisions were made on the ratio of condos in the Orrego project. Alano-Martin said the condominiums were being marketed and the construction would begin within sixty days.

Ruff asked for public comment on the report. There were no commenters.

Sturbaum said that watching the life cycle of the abatements was most interesting, and that some council members had been on the council since the beginning of some of the projects and noted that as they are completed they could see the results. He said that Cook Pharmica would soon be paying full taxes on their original project instead of going overseas.

Volan said the reason he questioned the form of the report was that it included the investment in the project, but didn't list the investment that was put in by the public. He said that when an abatement had finished its life, there should be a note of the entire amount of tax abated. He asked for them to be included in the reports for comparison of investments, from both the company and the public. He said that this would help in judging economic threats of leaving the community. He said that rental housing was considered commercial in some cities. He said in a city where two-thirds of housing was rental, we should think of it as a commercial enterprise. He stressed the impact of these economic decisions on the city's bottom line.

Ruff noted that when the abatement was discussed, there was usually a note about the value of the abatement to the petitioner.

It was moved and seconded to accept the report.
The motion to accept the report received a roll call vote of Ayes: 7, Nays: 0.

- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

- PUBLIC

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Julie Warren be appointed to the Commission on the Status of Children and Youth.
The appointment was approved by a voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Resolution 15-17 - To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2016

It was moved and seconded that Resolution 15-17 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee hearing on this item.
It was moved and seconded that Resolution 15-17 be adopted.

Jacqueline Moore, Assistant City Attorney, introduced Virgil Sauder, new Director of Animal Care and Control. She noted the percentages and noted that this was similar to interlocal agreements in the past. She noted that 41% of animals brought into the shelter came from Monroe County and 3% of the animals came from the town of Ellettsville, with the remainder from within the city limits.

Ruff asked Sauder to comment on his new directorship. Sauder said he had been on the job for a month and the agreement was prepared by his predecessor. Ruff thanked Sauder, Sturbaum asked how the job was going. Sauder said that he had been the shelter manager for nine and a half years, so he felt he wasn't really new to the operation of the shelter. Volan asked if there was anything new in this agreement. Moore said it was the same as the last agreements of this nature.

Ruff asked if there was a higher percentage of animals entering the shelter from the county than the city. Moore repeated the above numbers. He asked if more services were needed for county animals versus city animals because of the larger geographic area. Moore said she didn't think so, that the city provided services at the shelter as per the agreement.

There was no public comment on this item.
There were no comments from the council at the end of this discussion.

Resolution 15-17 received a roll call vote of Ayes: 7, Nays: 0

Resolution 15-18 - To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regards to the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG)

It was moved and seconded that Resolution 15-18 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee hearing on this item.
It was moved and seconded that Resolution 15-18 be adopted.

Deputy Police Chief Tony Pope told the council that the funds would be used to purchase additional body worn cameras. He said that the police department purchased 32 cameras in 2014. He said the results of wearing the cameras presented the opportunity to see what actually happened on the street and enabled the police department to better provide the prosecutor and courts with information. He said it provided a higher level of transparency between the police department and the citizens of Bloomington. He said it was the goal to have a camera for every officer in the police department. He noted that the Sheriff's Department intended to purchase in-car cameras with their portion of the grant, which would also provide a degree of transparency in the department's vehicles.

Volan asked how many cameras could be purchased with the amount of the grant. Pope said the grant would provide 16.5 cameras and the city would cover the remaining cost of the last camera. He said they would also purchase more cameras with other department funds.

Resolution 15-18 *(cont'd)*

Volan asked how many cameras were needed. Officer Pope said that there were 100 officers and their wish was for each officer to have their own camera. He noted efficiency and wear-and-tear problems with cameras that were continually rotating among officers. He said there were issues with management of video information. Volan asked if all cameras would be purchased this year. Officer Pope said he wasn't certain how close they could get to total coverage by the end of this year. Volan asked about the other funds used for this project. Officer Pope said there was crime control money that could be used. He said the goal was to obtain cameras for all the officers that worked on patrol because that's where they could be most useful.

Granger asked if there were restrictions for the use of JAG money. Officer Pope said the money was supposed to be used to address violent crime in the way of equipment, training or some other resource used to address violent crime in the community.

Neher asked about the officers' reception to using the body cameras. Officer Pope said after an initial apprehension about using a new piece of equipment, how it would be used and how it would be received by the public, the officers had embraced the technology and had positive comments about the use. Pope said the cameras served to hold both sides of an interaction accountable. He said that video and audio were almost expected when a case was presented. He noted it helped conviction rates.

Volan when the body cameras were purchased and how many had needed been replaced. Pope said the first ones were purchased in 2014. He said there was a two year warranty on the cameras, and because of repetitive use and different users the clip wore out and the plug area had been weakened because of all the times it had been used for uploading videos. He said these parts were replaced under warranty. He said each camera cost $850. He said one was stolen, but all the others were original.

There was no comment from the public on this agreement.
There were no final council comments at this time.

Resolution 15-18 received a roll call vote of Ayes: 7, Nays: 0

Resolution 15-16 - Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2015 and Other Related Matters

It was moved and seconded that Resolution 15-16 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that it was forwarded to the council from the JHSSF Committee with a unanimous recommendation.
It was moved and seconded that Resolution 15-16 be adopted.

Susan Sandberg, Chair of the Jack Hopkins Social Services Funding Program noted that the 2015 round of funding was dedicated to the memory of Anthony Pizzo, a former council member, a former committee member and a tireless advocate for those less fortunate. She noted the criteria for funding applications, the requirements for leveraging funds, and the need for service to Bloomington residents. She read the awards for funding and their project proposal topics, and added that emergency food, shelter and health care were the most compelling need for funds.

She read *"An Open Letter from the Bloomington Common Council's Jack Hopkins Social Services Funding Committee in Support of Maintaining the Services of the Emergency Shelter formerly known as Martha's House."* The letter encouraged public and private sectors to work together to keep the shelter open and to continue to provide temporary housing and case work for those in need.
Ruff called for public comment.

David Schleibaum said he was sad to hear the shelter closing as he helped with the creation of the first women's shelter and the first community kitchen in the county. He said we should pause, reflect, and see what's different today than 24 years ago. He said the understanding was that the shelter be for women and children, but now there were so many people taxing the system that women, children and vets couldn't get help they need because people and police were trying to control behavior.

Justin Nestleroad, student and congregant member of Clear Note Church, said he opposed funding for Planned Parenthood. He said it didn't serve society and asked the council to eliminate the funding for this group.

Jared Cochran opposed funding for Planned Parenthood and said it should be redirected to other organizations. He said this type of funding should lead to broad and long lasting benefit to the community. He said that this organization as a benefit to the community "was laughable."

Josh Congrove, PhD graduate of IU, Professor at Athanasius College, thanked the council for their work and asked that Planned Parenthood not be supported with taxpayer money. He listed a few of his reasons and noted that it had been funded fourteen times. He noted it associated the city with the activities of the organization, and said they gave birth control to teens who had not reached the 'age of consent.' He said it would be prudent to avoid suspicion of endorsement by not giving them taxpayer money.

Carol Canfield said she was a lifelong resident of Bloomington. She noted that a December 18, 2014 State Department of Health visit to Planned Parenthood noted a number of violations. She read a few she said were listed on a 33 page report. Canfield said some were corrected by March, but the Indiana Department of Health had not come back to check these violations. She asked that the council not give money to this organization, and asked if those violations were good for women.

Joseph Eskew, a recent graduate of IU asked the council not to give the town's tax payer dollars and its support to Planned Parenthood. He said "as a government you are appointed by God with your authority and you'll have to answer to Him for whether or not you protected the little ones in the conscience of our citizens."

Scott Tibbs, District 1 resident, said he was opposed to funding of Planned Parenthood. He said this grant was allowing Planned Parenthood to give birth control to 15 year old girls, and that the age of consent in Indiana was 16 years old. He said according to Indiana Code, it would be a felony for them to have sex. Birth control given to young girls can be used to cover up felonies of sexual predators. He asked if Planned Parenthood would report crimes. He asked if the council would demand that Planned Parenthood confirm and report crimes. He said that Planned Parenthood had backing of a massively wealthy national organization; it was time to stop enabling sexual predators with tax dollars.

Peter Wegener, a lifelong resident of Monroe County and a junior at the Kelley School, said he liked the intent of giving the money for the needs of the community. He said that covering health care issues was good, but he didn't want money to go to Planned Parenthood because he said it was not safe for women.

Dave Canfield, longtime resident, asked if in its quest for diversity, tolerance and representation of minority opinions, the council could represent those in the pro-life viewpoint by voting against funding for the annual request of Planned Parenthood once in ten years.

Resolution 15-16 *(cont'd)*

Brian Bailey noted he was a citizen of Bloomington, a taxpayer, a 2000 graduate of the IU School of Law. He said one of his children died in the womb at 20 weeks and his experiences with that confirmed that unborn babies were human, and had been since the moment of conception. He asked that the council look to Article 1 of the Constitution of Indiana and read:

> *We declare that all people are created equal, that they are endowed by their creator with inalienable rights, that among these are life, liberty, and the pursuit of happiness.*

And:

> *All power is inherent in the people.*

He said that the people were the master of the council, that the council was the servant of the people, and it was wrong for the council to give the people's money to an organization that takes life. He further quoted the document and scripture to illustrate his points in his arguments against the funding of Planned Parenthood. He said that the council would also have to answer to God regarding the stewardship of their elected office. He asked that Bloomington Pride not be funded because he said they prey upon and corrupt youth by leading them into immorality and sexual bondage.

Jim Billingsley, long-term resident of Monroe County, said government had the obligation to uphold and defend the inalienable rights of life, liberty and property. He noted that life was listed first. He said that citizens could not choose how tax payer money was spent, but that government shouldn't fund agencies whose activities were a flagrant affront to morals and beliefs regarding human life. He said Planned Parenthood should not be funded because of their association with 700 abortions per year.

Council comments:
Mayer thanked Sandberg for guiding this process of the committee.

Ruff asked staff to investigate and provide council members with a little more information on the violations reported by members of the public regarding the Indiana Department of Health findings.

Resolution 15-16 received a roll call vote of Ayes: 7, Nays: 0

LEGISLATION FOR FIRST READING
Ordinance 15-13

Ordinance 15-13 - To Amend Title 16 of the Bloomington Municipal Code Entitled "Residential Rental Unit and Lodging Establishment Inspection Program" - Re: Authorizing Special Fees for Saturday Inspection of New Rental Units During the Summer Months

PUBLIC COMMENT

Ruff called for any additional public comment.

David Schleibaum thanked Volan for having a constituent meeting last week on the behavioral problems in the city. He said he ran out of time to speak at the meeting but wanted to add information. He said that $3M was spent trying to help people when they lost control. He said we needed to realize this was a behavioral issue, not a homeless issue. He said behavioral problems included drinking, smoking, smoking drugs and crack in city parks. He said by not enforcing these prohibited activities, the city was actually reinforcing them. He said dealing with personal assaults, panhandling, aggressive behavior was taking money from those who needed money spent on them. He said issues with kids, women and veterans should be priorities for city funding.

Daniel McMullen thanked Volan for his promotion of a safer environment for the community.

Peter Wegener said he was concerned with the IU Health hospital's new location with regards to a cross country course.

COUNCIL SCHEDULE

Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Friday, June 19, 2013 at noon but no legislation to discuss.
It was moved and seconded to cancel the work session.
The motion was approved by a voice vote.

Sherman also noted that new video and audio equipment was scheduled to be installed in the council chambers starting on July 1st. He said there was a meeting scheduled that night and asked that there be some allowance for the council president to change the meeting location if it was actually impossible to hold a meeting in the chambers that night. There was a little discussion, and Volan questioned the need to even consider moving the meeting.
It was moved and seconded that the president of the council be authorized to move the meeting location for July 1st if need be.
The motion received a roll call vote of Ayes: 6, Nays: 1 (Volan).

ADJOURNMENT

The meeting was adjourned at 9:30 pm.

APPROVE:

Dave Rollo, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington