COMMON COUNCIL
REGULAR SESSION
September 11, 2013

In the Council Chambers of the Showers City Hall on Wednesday, September 11, 2013 at 7:29 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

ROLL CALL

Roll Call: Ruff, Sandberg, Sturbaum, Granger, Neher, Mayer, Rollo, Volan, Spechler
Absent: None

AGENDA SUMMATION

Council President Neher gave the Agenda Summation

APPROVAL OF MINUTES

The minutes of the August 28, 2013 Regular Session meeting were approved by a voice vote.

REPORTS

- COUNCIL MEMBERS

Marty Spechler said the economic recovery had bypassed the young people which wasn't good for society or the future. He said there was a lack of entry level jobs for new graduates, and voiced support for expanding the tourist industry in Bloomington and Monroe County, including enlarging the Convention Center and also building more hotels.

Steve Volan welcomed several young people who he said would talk to the issue of IU tearing down six vintage homes on E. 8th Street to make room for a fraternity house. He noted the city had no authority over the university but said that if anything could make a difference in this situation, it would be people speaking out about something they felt strongly about. He expressed hope that those listening would speak to those who made decisions at the university.

Tim Mayer thanked the President of the local firefighters' union, Bob Loviscek, who led the 9/11 Memorial Ceremony that morning on the Plaza in front of City Hall. He also thanked others who were involved in the ceremony. He also thanked Spechler for his remarks with regards to the community and economic development, adding that the arts were important and were supported by the city through the Department of Economic and Sustainable Development.

Susan Sandberg noted the Cardinal Stage production of *Lord of the Flies.* She also noted the upcoming Lotus Festival and encouraged people to attend both events. She noted an upcoming public listening session meeting on Tuesday, September 17th at 6 pm in the Council Chambers on the topic of marriage equality. She said members of the council were interested in a resolution supporting marriage equality and wanted to hear what the people of Bloomington were thinking about this issue.

Dorothy Granger said she had read that 1500 plastic water bottles were disposed of every second in the US. She asked that people consider discontinuing this practice.

Darryl Neher noted that it was National Suicide Prevention Week and remembered his colleague at the Kelley School who took her life. He noted that underlying this action was untreated depression, and the fear and stigma associated with it. He said that only 20% of men with depression seek treatment. He noted his recent TEDx talk on his own issues with depression and said the only way to break the stigma was to talk about the issue and to break the silence. He added that what people could do to help was to listen.

- The MAYOR AND CITY OFFICES

There were no reports from the Mayor's office or other city offices at this meeting.

- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

- PUBLIC

Due to the number of people who wanted to speak and the short agenda, it was moved and seconded that the council rules be suspended so that this public comment period be extended from 20 minutes to 30 minutes.
The motion was approved by a voice vote.

Public Comment *(cont'd)*

Jon Laurence said he was an executive committee member of the Council of Neighborhood Associations and an IU alum. He asked that the city work with IU to resolve the conflict of clearing houses in the University Courts area for a new fraternity house. He also asked that this area be given a local historic designation. Laurence said the IU Master Plan of 2010 noted the area should be preserved and developed as residences for faculty and visiting professors. It also stated that Greek housing should be directed away from established neighborhoods. He asked what faculty would like to live next to a fraternity and said the action would eventually destroy this historic residential neighborhood. Several people stood with him on this issue as evidenced by their standing at the end of his statement.

Marjorie Hudgins, President of the Old Northeast Neighborhood Association, said the association, which included the University Courts area, was established in the early 1970s. She said the neighborhood was unique with brick streets, and with the population being mainly IU graduates, alums and supporters. She expressed great disappointment with the university's announcement regarding putting a fraternity in place of six homes in the neighborhood and thanked friends from other neighborhood associations that came to stand with her in the opposition to this action.

Glenn Carter noted the loss of homes in the University Courts area, but in the context of the people who were sleeping on the streets of Bloomington. He said those with addictions and alcoholism were prevented from going into some shelters, and stated that addiction was not a moral issue. He said a large portion of the homeless suffer from addictions, alcoholism, mental health issues and psychiatric conditions, but were being kept away from the shelters because they could not 'cure themselves.' He said Bloomington needed a detox facility for those who had no insurance. He said the homeless were demonized when leaders made it seem that these addictions and illnesses were a matter of choice.

Nancy Hiller said she was speaking in her role as Chair of the Monroe County Historic Preservation Board of Review. She said while that body had no authority over city matters, they wanted to express support of the letter written by the city's Historic Preservation Commission with regards to the University Courts issue to IU President McRobbie. She read a letter from the county board to McRobbie, campus leaders and the trustees of the university expressing disappointment that the historic homes were being demolished for a new building. She added as an IU alum, she felt that "Lux et Veritas" should be carried through the actions of the university.

Sandi Cole said she was a resident and property owner two blocks away from the houses scheduled to be demolished. She said IU was also her employer. She said she understood that the university offered other property on North Jordan to the fraternity, but they refused. She said she was very angry with that decision because it showed they had little concern about anything except their location in this neighborhood. She shamed those who had the power and money to put IU in this position.
She said she hoped this would be the start of a bigger conversation about this proposed action.

Kay Bull said she'd lived in Bloomington for 23 years and was a strong supporter of alternative transportation. She told students in the chambers to be careful with drinking and driving.

Micol Seigel of the Bryan Park Neighborhood and faculty in American Studies and History at IU said she was speaking from her perspective as a member of Decarcerate Monroe County. She commended Carter for his comments and said that the change in Bloomington had been a 'runaway process' in the last few years. She spoke about the demolition of the houses in University Courts as part of those larger changes towards expensive residential housing geared towards affluent students. She said this was part of urban policy decisions and should be considered part of creating a just, small town.

Cheryl Munson, county council member representing the county at large,

Public Comment *(cont'd)*

spoke in support of the neighborhood associations and Historic Preservation Commission in their efforts to have University Courts preserved. She noted she was an archeologist and had worked at the Glenn Black Laboratory in that neighborhood, which she said was a modern facility for which historic buildings were torn down. She read from the IU Master Plan regarding new facilities and repurposing structures in that neighborhood that indicated a much more pro-preservation approach to this area. She asked IU and the fraternity to look at this language.

Jenny Southern said she and her daughter had both graduated from IU and were in favor of the expansion of the law school. She said the university ad been a good steward of their properties for over a hundred years. She said that the fraternity and its large parking lot should be built in an area where buildings did not have to be removed. She noted her disappointment in the university and the fraternity actions that made neighbors of the university nervous about their own properties and neighborhoods. She asked for the council and citizens' help in preserving these homes.

Elizabeth Cox-Ash, McDoel Gardens Neighborhood Association, said that that neighborhood was Bloomington's first Historic Conservation District. She said the designation was sought to preserve the entire neighborhood, and asked that the council designate the University Courts homes as historic and preserve them. She noted the unique area and noted the placement of the IU Office of Sustainability in this same neighborhood. She noted that the parking lot behind the Von Lee would be a very good location for the fraternity.

Sandy Clothier, member of the Historic Preservation Commission, read the five suggestions that were in the letter written to the university from the commission:

- *That the university reverse its decision to remove the six historic University Courts homes to make way for a fraternity house.*
- *That the university engage in meaningful discussions with stakeholders in the matter at hand, including the University Courts neighborhood, the Bloomington Historic Preservation Commission, Bloomington Restorations, Inc., Indiana Landmarks, the State Historic Preservation Office, and the University's own statewide Historic Preservation Committee. We request more detailed plans for IU's holdings in University Courts and other edged neighborhoods.*
- *That the university adopt the policy which forbids the demolition of historic resources on land declared as surplus property and/or slated to be conveyed to private developers.*
- *That the university reevaluate its communications with the non-university community, particularly in situations involving major changes along campus edges. At a minimum, we request the Board of Trustees, and the IU Foundation provide the public with a reasonable notice and opportunity to comment on such matters before voting.*
- *That the university reaffirm the actual, or at least tacit, policy of requiring that all new construction Greek housing be channeled to North Jordan and in some instances Third Street.*

Phil Worthington urged the council to support efforts to preserve the neighborhood. He urged citizens to approach IU on equal footing rather than on bended knee.

It was moved and seconded to extend the time of public comment to accommodate a few more speakers in this portion of the meeting. The motion was approved by a voice vote.

Jan Sorby, Bryan Park Neighborhood, said she was an IU graduate and donor. She asked the council to locally designate the houses in the University Courts neighborhood. She said there was precedent elsewhere that the city could have jurisdiction over state property. She said the houses were listed on the United States Registry of Historic Places, the official list of the nation's historic places worthy of preserving. She said these houses told the story of Bloomington and reflected the collective community memory. She said local designation would protect them. She said when this historic architecture was gone, the collective social memory would fade also. To remove the buildings would be a statement that history was not worth saving.

Public Comment *(cont'd)*

Jennifer Mickel said she was a member of the Monroe County Constitutional Conservatives, and said she believed in personal property rights. She said IU belonged to the people who paid taxes. She said she didn't want this neighborhood to move in the direction of what she called the hideous structures off 11th Street. She said IU's vision had gone the way of outsiders and not the people of Indiana.

Derek Richey said that - while he sat on the board for Bloomington Restorations, Inc. and was involved in the Bloomington Fading project - he spoke for himself tonight. He said part of Arts and Tourism was architecture. He said the university could buy up lots anywhere in town to build a frat house, and that was something that all areas near the university should be concerned about. He also noted that the house would be a party house, not really a 'residence.' He said everyone should read the IU Master Plan so that they're not surprised when more of this plan is implemented.

Caroline Clay, from the Prospect Hill Neighborhood Association, said she didn't know if there was anything that could be done to prevent IU from destroying the properties, but she said everything possible should be done to prevent it. She said their position was one that 'balanced the needs of the whole university' and were within their rights to make these changes. She said the fraternity members who made this decision as to the location of the house didn't live in Bloomington, and they did have other options. She said much of Bloomington's historic housing had fallen into IU's hands or had become student rentals.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments made at this meeting.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 13-11 To Amend Title 4 of the Bloomington Municipal Cod Entitled "Business Licenses and Regulations" - Re: Chapter 4.04 (Business Licenses Generally *deleted)*; Chapter 4.18 (Pawnbrokers - *revised*); Chapter 4.20 (Secondhand Dealers - *revised*); Chapter 4.22 (Dealers in Valuable Metals - *added*); Chapter 4.24 (Taxicabs - *revised*); Chapter 4.28 (Jitneys - *deleted*); and, Chapter 4.30 (Horse-Drawn Vehicles for Hire - *deleted*)

It was moved and seconded that Ordinance 13-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do Pass recommendation of 0-8.

It was moved and seconded that Ordinance 13-11 be adopted.

Adam Wason, Communications Director for the Office of the Mayor, said the administration was supportive of a possible motion to postpone the second reading of this ordinance. He said that most of the changes were to update sections of the code that had not been updated since the 1970s or 1980s. He noted that stolen property was occasionally and unwittingly transferred through the businesses of pawnbrokers, second hand dealers and valuable metal dealers. He said that the goal was to propose an ordinance that would balance the needs of crime investigators, victims of theft, and the businesses. He said seven amendments were prepared to address concerns of these groups.

Wason said that there were concerns regarding the electronic reporting requirements, but the police believed that the proposed approach would help in identifying stolen property locally and beyond. He said there was a possibility of additional amendments at a future hearing.

Wason outlined the amendments ready for consideration:

- Amendment #1 – Removing fees for Taxicab licenses.
- Amendment #2 – Adding and revising exemptions for second hand dealer licenses.
- Amendment #3 – Changes the definition of 'pawnbroker' to mirror state statute.
- Amendment #4 – Changing holding periods and reporting requirements, narrowing the definitions to mirror state law.
- Amendment #5 – Changed the reporting requirements from 24 hours to two business days after the transactions.
- Amendment #6 – Changed reporting requirement from a social security number to an ID number from a government issued ID.
- Amendment #7 – Makes the language gender neutral.
- Amendment #8 – Adds consistency in chapters of the title with regards to penalty and revocation provisions.

He said these and possibly more, if needed, balanced the needs of law enforcement, victims of theft, and the impacted businesses.

He said he would be visiting the precious metals dealers to better understand their business model. He said this would result in an ordinance that businesses would not oppose.

Wason noted that he, Police Chief Diekhoff and the legal staff were

available between this meeting and the next for questions or concerns regarding this.

It was moved and seconded that further consideration of Ordinance 13-11 be postponed until the Regular Session scheduled for September 18, 2013.

Ordinance 13-11 postponed.

Neher framed the postponement by noting there were council members who had questions and wanted more time to consider the ordinance and the eight amendments that would change the legislation. He also thought that there might be more amendments that might emerge.

Volan noted Wason said the administration was considering more amendments and wondered if the council would need to postpone this ordinance again. Neher said that possibility existed.

Volan commented that legislation was not real until it had been presented orally by someone at the podium because things could change, and there had already been some time and additions with this ordinance. He also wondered why the 'omnibus' ordinance wasn't broken into parts to make it easier to handle in the schedule. He also said that he felt there should be some discussion before the motion to postpone the ordinance.

Spechler said the ordinance was quite broad and precious metals dealers were being discussed as if they were akin to pawnbrokers. He said he felt the issue was far from being settled into something he could vote for. He said more conversation, compromise, and time was needed for the issues in the ordinance.

Rollo said he would be open to dividing the question because of the scope of the ordinance. He noted his appreciation of the administration's taking time to address the concerns of the council members. He said he was concerned that salvaging businesses would give up due to regulations. He said the effect on businesses should be closely considered.

The motion to postpone the ordinance until September 18. 2013 was approved by a roll call vote of Ayes: 9, Nays: 0.

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST READING

Travers Marks, owner of Max's Pizza, said he asked every downtown business owner and employee how they felt the parking meters were working. He said overwhelmingly people talked about lost business and were upset about the late hours and the escalating ($20/40/100) fines.

PUBLIC COMMENT

Cathy Haggerty, an IU alum, said she didn't want to pay $1 to buy a bowl of soup. She said this was the third time parking meters had been installed downtown since she had lived in Bloomington, and it would be interesting to see if this cycle happened again. She said tearing down beautiful brick homes was to cater to wealthy students in fraternities. She asked that the council really address issues from public comments in meetings.

Gene DeFelice said he was a long-term resident and IU alum and had spent a lot of time in one of those brick houses on 8th Street. He said he was angry that IU and the fraternity wanted to destroy the historic structures when alternatives were available.

There was some discussion about a work session the following Monday, and it was decided that President Neher could cancel the meeting if it was not needed. It was moved and seconded that Neher be authorized to cancel the meeting if needed. The motion was adopted with a voice vote.

COUNCIL SCHEDULE

The meeting was adjourned at 9:07 pm.

ADJOURNMENT

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington