

In the Council Chambers of the Showers City Hall on Wednesday, May 2, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
May 2, 2012

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

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

Minutes for January 18, 2012 were approved by a voice vote

APPROVAL OF MINUTES

Marty Spechler said he was disappointed about the recent decision by the Board of Public Works to overturn the Council decision to approve traffic calming devices on W 3<sup>rd</sup> St.

REPORTS:  
COUNCILMEMBERS

Andy Ruff said one of his frustrations as an elected official was that the current 9<sup>th</sup> District Congressional Representative was a "climate change denier." Also, he said he was alarmed when he learned earlier that one of the Democratic candidates seeking the office was a skeptic. He said the community needed someone who would represent the community values and the scientific basis of global climate change.

Dorothy Granger reminded everyone to vote in the May 8<sup>th</sup> Primary.

Chris Sturbaum mentioned the "Bloomington Fading" presentation at the Historical Society that depicted Bloomington as it used to be. Also, he announced an upcoming presentation on "Embodied Energy" that described all of the energy used to construct a building that is lost when that building is torn down.

In reference to the controversy over the traffic calming devices on W 3<sup>rd</sup> St, Sturbaum said that after a three year period of following the city's process, the Council approved traffic calming devices. He said this was eventually vetoed by the Board of Public Works, a three-member body appointed by the Mayor. He said he and his neighbors had lost faith in the process and the Mayor who supported this.

Susan Sandberg reminded the public that poll workers were still needed. She said it made for a long day, but this was important because the workers ensured fair and democratic elections.

She also said, "How about those brains!" Brain Extravaganza, a project by Jill Bolte Taylor to illustrate the great and amazing power of the brain, had just installed 22 5 foot art-enhanced brains around the city and campus area.

Steve Volan announced the third "Startup Weekend" dedicated to starting "dot com" companies within one weekend. He said it would be happening all over the world and also in Bloomington.

Tim Mayer announced the dedication of a new facility for *Restore*, a resale store affiliated with Habitat for Humanity.

In a report from the Mayor's Office, Adam Wason, Assistant Director of Economic Development for Small Businesses, reported on the upcoming Electronic Waste Collection Days.

MAYOR and CITY OFFICES

He also announced the inaugural Lemonade Day, a nationwide program, which was designed to teach entrepreneurship to children and to teach "spend some, save some, share some."

Scott Jones representing the Bloomington Arts Commission reported that last April about \$7500.00 was allocated to 11 local arts organizations through the Commission's grants. He said the funds allowed organizations to leverage an additional \$79,000.00 in donations. More recently, \$7500.00 was dispersed to nine organizations through the 2012 arts grants.

MAYOR and CITY OFFICES  
(cont'd)

Lucy Schaich, Bloomington Volunteer Network asked the students from the Bloomington Youth council to report on Global Service Day. Meghan Ray, from Bloomington High School North, Amanda Lin, a sophomore from Bloomington High School South and Rebecca Garcia from Bloomington High School South described the work which was done by the hundreds of students who participated in Global Service Day. Accompanied by a PowerPoint presentation, they focused on the various projects conducted including cleaning up the B-Line Trail, painting a mural along the B-Line, ridding public property of invasive species of plant and weeds and helping at the Community Kitchen. They said a priority to them was sustainability and they believed they increased the city's sustainability, had fun and benefitted the community.

There were no reports from council committees at this meeting.

COUNCIL COMMITTEES

Mayer asked for public comment.

PUBLIC INPUT

David Sabbagh, former Councilmember and Board President of the Monroe County YMCA announced the Y's fundraiser, *Spin Off*, in which he challenged Councilmember Darryl Neher. He said he appreciated the support of the Council.

Scott Wells, candidate for the County Council said his campaign theme was fiscal sustainability through transparency.

Glenn Carter said he was concerned about the excessive police presence at the Occupy May Day on May 1<sup>st</sup> when 20 members gathered and faced 40 police officers. He said the police supported their right to gather, as long as their tent was removed. He said he wondered how much the police presence from 3 agencies cost taxpayers.

Daniel McMullen said his grandfather recently had to close down his furniture store due to zoning regulation violations which he said hurts local business.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Ordinance 12-09 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the committee recommendation of do pass 2-4-3. It was moved and seconded that Ordinance 12-09 be adopted.

LEGISLATION FOR SECOND  
READING

Councilmember Volan explained the legislation which he had proposed regarding standing committees and said this proposal would allow for more time to consider legislation by extending the legislative cycle and hearing legislation in standing committees rather than in a Committee of the Whole.

Ordinance 12-09 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" – Re: Amending Chapter 2.04 Entitled "Common Council" Ease the Opportunity for Standing Committees to Consider Legislation Pending Before the Council

Volan said this plan would allow a 4 week legislative cycle, which he said other cities currently have. He said one of the key goals is to lengthen the amount of time to consider legislation. He added that standing committees would allow members to separate salient from nominal issues.

Ordinance 12-09 (cont'd)

Volan played an audio clip from a West Lafayette Standing Committee meeting to demonstrate how it might work in Bloomington. He added that standing committees were a common staple of legislatures and were more respectful of everyone's time.

Volan moved the adoption of Amendment #1.

He said the goal of this amendment would be to provide more balanced representation on standing committees

Neher asked how the Council president could make the determination to balance councilmembers' opinions on each committee when appointing the members.

Volan said it was an intent and a goal and may not always occur.

Sturbaum asked how opinion would be balanced if both political parties were represented on Council and how would one appeal if it was believed that balancing was lacking.

Volan said that the President was elected and would be trusted to make those appointments. He said a similar system existed now with the council representatives on various city boards. He said that any one of those representatives may not always fairly represent the opinions of all councilmembers due to personal bias, but someone had to be selected, just as with the standing committees. He added that appointed members would allow for diversity of opinion.

Public Comment on Amendment #1:

Glenn Carter said he supported this and that it would do no harm.

C W Poole urged the council to try this, because it might work. He said there would be nothing to lose, and if the process did not work, it could be changed.

Larry Jacobs, Chamber of Commerce said he thought this proposal was burdensome, and that he did not support his.

Council Comments:

Spechler said he supported this amendment because it was crucial to the whole proposal. He said the advantage to this was that it would be used only occasionally.

Neher said he did not think future differences of opinion would be always the same; therefore, it would be difficult to predict or anticipate those future differences in selecting members.

Granger said that she felt this process was burdensome.

Sandberg said her concern about this amendment was reflected in her concern about the larger ordinance. She said the only way to avoid bias in the standing committees was to have all nine members present for a Committee of the Whole which she said created more transparency and fairness. She said she could not support this amendment.

Rollo said he would support the amendment because it relied on trust, and he trusted the other members and the council.

Ruff said the amendment was unnecessary since he did not think harmful bias would be injected into the committees, but acknowledged that others thought there was a need for this.

Amendment #1 to Ordinance 12-09

1. Insert a new Section 1 to read as follows:

SECTION 1. Section 2.04.210 (Standing Committees – Establishment) shall be amended by adding the following phrase to the second sentence after the word “possible” and before the word “and” – and in so far as possible to achieve balance of opinion on each committee - so that the sentence now reads:

If such committees are established, the presiding officer shall appoint at least three council members to each committee, observing the preference of each member as closely as possible and in so far as possible to achieve balance of opinion on each committee, and shall appoint a chairperson for each committee.

2. Renumber remaining sections accordingly.

Volan said that this really did not address a great need, but just stated what the BMC already said. He added that this was a harmless amendment and it was about trusting the other councilmembers.

Amendment #1 to Ordinance 12-09  
(cont'd)

Sturbaum said if balance indeed was important, there was no greater balance than having all nine members sitting together to make a decision.

Volan, in response said, having all nine members in one Committee of the Whole made for longer meetings.

Amendment #1 received a roll call vote of 5 Ayes (Neher, Rollo, Ruff, Volan, Spechler, 4 nays (Granger, Sturbaum, Sandberg, Mayer).

Volan said if the concept of standing committees passed, the council could immediately start to hold hearings rather than wait for legislation to be introduced. He reiterated that passage of this legislation would add standing committees and would not take away the Committee of the Whole. He said it just added one more option for deliberation.

Continuation of discussion on the main motion Ordinance 12-09 as amended

Ruff asked about the increase in work load for the City Clerk. Volan said he did not believe there was any greater burden for council staff.

Ruff asked Deputy Clerk Sue Wanzer who was staffing the meeting for Clerk Moore, who was ill. Wanzer responded that any additional meetings would require additional time for taking notes, recording and filing.

Volan said the separate standing committees would be held on the same evening in the same time frame as a Committee of the Whole, so there shouldn't be any additional time involved.

Sandberg said she believed that an email from Clerk Moore indicated that the additional time would not be negligible and there would be a significant amount of additional work in providing services to the council and to the public.

Volan disagreed and said since the meetings were serial in one evening, there should be no extra work involved.

Wanzer added that in addition to the time of preparing notes, it also meant that a member of the Clerk's staff had to be present for all standing committee meetings.

Mayer read an email response from Moore that said a 5-cycle meeting schedule rather than a 3-cycle meeting schedule meant that it would increase the work.

Volan then read his email response to Moore in which he said he did not agree that there would have to be additional work for the Clerk, since minutes were not prepared for committee meetings of any type, but rather a much shorter and simpler memorandum was prepared. He went on to ask why was the amount of work the Clerk needed to do so important to this issue. He said there were more important things to attend to.

Rollo said every other council in Indiana conducted its business like this, so shifting to this procedure shouldn't be difficult.

Volan said a Clerk's Office representative would not have to be at the Standing Committee meetings.

Public Comment:

Ordinance 12-09 as amended  
(cont'd)

C W Poole said this plan of operation for the council gave more opportunity for the public to become more engaged.

Glenn Carter said he supported the legislation.

Larry Jacobs said as a correction to the previous speaker, the Chamber of Commerce had never paid any amount of money to any legislator in city or county government. He went on to say the Chamber operated to support business and without the businesses in this community, there would be no jobs.

Jacobs said that Mr. Volan indicated that he wanted to have standing committees to supervise the city departments. Jacobs added that there really was no need for seven separate committees. The Chamber did not support this motion as amended.

Caitlyn Kowalski said the clerk may work for the council, but the council works for the public. She said that more work for the clerk meant less transparency.

Kalyn Hawkins said this was not a burden for the clerk, but it was asking for more time from the clerk, and said it wasn't fair.

Council Comments:

Rollo credited Volan for recognizing a problem and working to correct it. He said this change would serve to expand public input and lengthen the process, thus shortening meetings. He said it was an option, not a requirement.

Spechler said this was not the House of Representatives with hundreds of pieces of legislation. Therefore, he said, there would not be that much time that would be spent with committees. He said he thought committees would not meet that often.

Granger thanked Volan for waiting to introduce this until the new members had some experience with the current system. She said some improvements could be made, but was not convinced that this proposal was the way for this to happen. She added that she loved public input and would never remove that. She added that she appreciated the 4 week cycle, but did not think standing committees were needed.

Neher said he voted in favor of the earlier amendment out of respect for Volan. He said he shared some of Volan's concerns for time and the process, but as a district representative he was elected to represent the citizens of District 5. He said he did not think he could be as actively involved in a standing committee as in the Committee of the Whole.

Ruff said he agreed that at times the council had been rushed. He said that he believed there would not be a net increase in work for anyone, and that the committees may not be used often. Ruff added that breaking work up into committees would give the public greater opportunity for input.

Volan reviewed what would happen when a referral was made after First Reading, thereby, he felt, illustrating that it was erroneous for anyone to believe that there would be additional meetings.

Sturbaum said he reviewed his thoughts and feelings about this issue and that he came to the conclusion that this was a wiser body as a body of nine. He said there were other things that could be done to improve

the process. He added that a county employee contacted him and said that the Committee of the Whole transparency was very inspiring and very important.

Ordinance 12-09 as amended  
(cont'd)

Sandberg said this had been considered for much longer than a year, and she still had many of the same objections she had mentioned in the past. She added that the problem of marathon meetings could be solved through other means, and should be considered.

Mayer said the Committee of the Whole gave each member the opportunity to know everything coming before them, while the committee system did not.

Ordinance 12-09 as amended received a roll call vote of Ayes: 4 (Volan, Rollo, Spechler, Ruff), Nays: 5 (Neher, Granger, Sturbaum, Sandberg, Mayer).

It was moved and seconded that Ordinance 12-10 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the committee recommendation of do pass 3-3-3.

Ordinance 12-10 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" – Re: Amending Chapter 2.04 Entitled "Common Council" to Establish and Clarify Scheduling Policies for Council Committees

It was moved to table this ordinance, but the motion failed for the lack of a second.

It was moved and seconded that Ordinance 12-10 be adopted.

Volan said this clarified and applied scheduling rules to any type of council committee.

Neher asked if this would include any ad hoc committees, to which Volan said no, that it would handle only standing and special committees.

Neher also asked about Internal Work Sessions since they were included in Volan's presentation. Volan said Internal Work Sessions were not included since Ordinance 12-09 did not pass.

Neher and Volan then discussed implications for changing Committee of the Whole start times.

Neher asked if the intent of this ordinance was an attempt to limit how standing committees operated if they were ever enacted. Volan said that was correct and that he believed scheduling needed to be broken out and considered separately

#### Council Comments:

Rollo said the predictability of anticipating topics through scheduling was an asset for the public.

Ordinance 12-10 received a roll call vote of Ayes: 5 (Neher, Granger, Ruff, Rollo, Volan); Nays: 3 (Sturbaum, Mayer, Sandberg), Spechler had left the meeting.

It was moved and seconded that Resolution 12-04 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the committee recommendation of do pass 3-2-2. It was moved and seconded that Resolution 12-04 be adopted.

Resolution 12-04 To Establish a Set of Standing Committees of the Bloomington Common Council

Volan said this resolution defined standing committees, and added that the failure of Ordinance 12-09 should not be construed to mean that standing committees have no place. He said they could replace all of the Board and Commission nominating committees. Volan named the seven committees being proposed. He acknowledged that one might question why the committees were being proposed, and he said it was a

Resolution 12-04 (cont'd)

structure that could be used by ad hoc committees which under current city code could be called by any three members to investigate issues. He said this structure was not designed to consider legislation but to investigate and research issues.

Neher asked if this resolution for naming the committees was, in effect, the execution of the oversight function. Volan said the Council continued to oversee the city by majority vote, but with this structure, the committees would be delegated the ability to call a hearing.

Council Comment:

Mayer said he encouraged councilmembers to vote against this for the simple reason that it had been the work of one council member who established all of the committees. He said that since it was a broader issue, a group of council members should decide what the committees should be.

Volan responded that this legislation had been under consideration for a long time and asked Mayer why he had not expressed his concern earlier.

Resolution 12-04 received a roll call vote of Ayes: 3 (Rollo, Volan, Ruff), Nays: 4 (Neher, Sturbaum, Sandberg, Mayer), Abstain: 1 (Granger)

There was no legislation for First Reading at this meeting.

LEGISLATION FOR FIRST READING

There was no public input during this portion of the meeting.

PUBLIC INPUT

It was moved and seconded that the Committee of the Whole meeting scheduled for May 9, 2012 be cancelled.

COUNCIL SCHEDULE

The motion was approved by a voice vote of Ayes: 8, Nays: 0.

The meeting was adjourned at 10:53 pm

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington