

In the Council Chambers of the Showers City Hall on Wednesday, April 20, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 20, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: Ruff

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of November 17, 2010 were approved with a spelling correction by a voice vote.

APPROVAL OF MINUTES

REPORTS:

Isabel Piedmont-Smith said she wanted to remind everyone of the upcoming Earth Day, which was started in 1971. She commented that we'd come a long way in actions towards recycling and in recognizing the effect humans have on the environment. She asked that everyone think about how they could change their own actions to produce less harm or more benefit for the environment.

- Council Members

Steve Volan said he was pleased to highlight reports from the mayor's office about House Bill 1543 which would eliminate the ability of municipalities to regulate residential leases. He said the effect on Bloomington would be devastating. He said the housing code currently enforced by the Housing and Neighborhood Development Office should be preserved.

The second item he mentioned was the new program created by the administration called NeighborLink, which he said was important because the constituents he represented in particular had expressed their concern that they needed a way to contact city officials about code violations or other issues or problems without feeling that they were being pests and without the need to call 911.

Tim Mayer noted the passing of Bill Cook and the influence Cook had in this community through his good works from his industry. He mentioned the Cochran House which the Cooks rehabilitated as well as all of the other historic preservation work they had done in Bloomington as well as other communities. He said that was only a small part of the many, many things the Cooks invested in our community.

Dave Rollo said that Bill Nesper from the League of American Bicyclists was in town the previous week to present several awards to Bloomington area businesses and individuals. The city received the Silver designation award, and Rollo reminded everyone that the city was on track to receive a Platinum designation.

Chris Sturbaum said another thank you to Bill Cook who he said was fond of saying that there was a role for private enterprise and for the government to interact. He added that this type of cooperation was why Bloomington was so successful.

Susan Sandberg said she wanted to talk about the local strains on the various funding sources for provision of social services funding including funding for the arts. She said the sad news was that the city's Jack Hopkins Fund had \$383,367 in requests, but only \$220,000 in funds to distribute.

Lisa Abbott, Director of HAND, City of Bloomington, presented information on House Bill 1543 designed to regulate residential inspection programs. Abbott said her department had several concerns

- Mayor And City Offices

with the new state regulations. The original Bloomington residential rental inspection program was adopted by Council in 1961 and amended nine times to ensure the code was current and up-to-date. As an example she cited action by the 1972 City Council to amend the Code to prohibit lead-based paint. Part of the amendment was eventually overturned by a law suit, but the part which was enacted prohibited painting and chipping paint due to health hazards. She added that six years later federal legislation prohibited lead-based paint, which was an example of how local legislation was more progressive and how the City Council had amended the Code to stay current.

- Mayor and City Offices
(Cont'd)

Abbott said that the proposed new state legislation intended to remove fees for the rental inspection program which generated fees of \$135,000.00 last year. That amount, she said, did not begin to cover the cost of the program. Abbott said the City of Bloomington heavily subsidized the program because of the great value it brings to the neighborhoods, the tenants and the state since it protects property values. She added that it was a worthy investment. The other concern, she expressed was that the legislation said the only things that could be investigated were those things that could be seen. She said she and Patti Mulvihill, City Legal had spent much time in discussions with the Senate Local Government Committee and as a result they ended up with legislation that was greatly amended with a provision that would allow the landlords to pass the fee along to the tenants. She said the bill was going back for consideration the next day and as with the past hearings, she would be in Indianapolis to learn what would happen. After passage in the Senate it would most likely need to be reconciled with the bill that passed the House. She said there were still opportunities for changes in the legislation and that she would continue to monitor the situation. She thanked Patti Mulvihill and Margie Rice from City Legal for their work in crafting effective arguments.

Sturbaum asked if she could still lobby House members who would be involved in the reconciliation. Abbott said it was possible, and that she had been working closely with the Indiana Association of Cities and Towns and the lobbyist from the Indiana Association of Community and Economic Development. She added that their belief was that local problems should be determined by local units of government and that the state should honor the home rule and allow Bloomington to create solutions for its own unique situations. She said this had been the premise of their argument, backed up with 50 years of example from Bloomington.

Piedmont-Smith asked how many other cities in Indiana had local rental inspection programs. Abbott said as of a year ago, there were 18.

Volan asked if this legislation was targeted at Bloomington, to which Abbott said she didn't think so, but rather was targeted at a couple of other communities and Bloomington got caught in it. She said she believed the people who favored the bill believed that local units of government were balancing their budgets with the rental inspection fees, which is what their arguments were in the Senate Budget Committee.

Sandberg said obviously the time for lobbying had passed since it was being voted on now, but asked who the major lobbying group was that moved to make this change.

Abbott said the major support for this came from the Indiana Apartment Association, but mentioned that the local Monroe County Apartment Association was not a member of the Indiana Apartment Association. She then read a statement issued by the local group:

“The Monroe County Apartment Association continues to be in favor of appropriate residential rental inspection programs recognizing that this position may be at odds with the currently proposed state legislation and the Indiana Apartment Association’s support of the legislation”.

- Mayor and City Offices
(Cont’d)

She said this demonstrated that the local organization understood the benefit of the Bloomington program. Abbott said that the people who had the fewest number of choices in our community were covered by programs like this rental inspection to help them.

Abbott and Vickie Provine, Neighborhood Liaison presented information on the new neighborhood code enforcement effort and the new NeighborLink Program in response to working with neighborhood complaints. She said the previous year they were fortunate enough to increase the compliance staff by one person which allowed them to take a look at the enforcement areas and ones that needed additional resources. She displayed a map that indicated where Notices of Violation were written between 2005 and 2010. She said the map showed that the downtown core area needed additional staff resources, prompting her to split the downtown area into a north and a south area. The NOVs were written for snow, trash, cans and excessive grass/weed growth. More than writing NOVs she said the additional staff allowed them to spend more time talking to the residents. She said she thought this had been an effective approach since the number of NOVs written last year was 89 but during the same time period this year only 28 were written. She said their approach was to educate and enforce in order for the neighborhoods to get the attention they need.

Provine, the HAND Liaison, thanked Steve Volan for his earlier introduction of the program and described NeighborLink, a program announced by Mayor Kruzan during his state of the city address earlier in the year. She said the program allowed residents to report violations, issues and questions through the city web site which also allowed the reporter to upload a file or image. She added that those without computers could call the City HAND Department to report or inquire.

Volan asked if the link was easy to find on the city’s front web page. Provine showed the icon on the front page that said NeighborLink.

There were no reports from council committee at this meeting.

COUNCIL COMMITTEES

Marc Haggerty talked about “Home Rule”, since it had been previously mentioned. He said one of the objectives of this activist community had been to prevent I-69 from coming through Bloomington. He also said that bulldozers and workers from INDOT were in Indian Creek Township taking down trees and entering private property. He said he was dissatisfied with the representation by his colleagues, friends, citizens, who were elected to office. He said he was appalled that the community had not been effective in preventing I-69 from coming through Bloomington. He asked his elected representatives to visit the federal executive offices, the offices that can control transportation initiatives, to oppose this action and the highway.

PUBLIC INPUT

George Brooks talked about economic issues. He wondered why it was when corporations had disgruntled shareholders or customers, they tried to shore up the relationships. But, he said disgruntled workers were treated less kindly. He said treating workers as well as shareholders were treated would create a healthy economy. He said that the public had said no to I-69, the NAFTA Highway, and suggested that current roads needed to be repaired rather than new roads built.

Kerry Thompson, Executive Director of Habitat for Humanity said rather than asking for money, she attended the meeting to present a

symbolic "check" to the city for \$310,298.66. She said this represented the amount of property taxes paid to the city by homeowners who were assisted with homes through Habitat for Humanity. She said Habitat for Humanity made home ownership affordable by taking citizens out of dilapidated or government assisted housing and making tax payers out of them. Thompson thanked the City of Bloomington for their partnership and introduced Trish Vosekas, a recent homeowner who thanked the council for the zoning that allowed her house to be built

Daniel McMullen thanked the Council for allowing the public the time to put their views on the record. He honored Thomas Jefferson's birthday and read a portion of the Declaration of Independence that he thought could be used as a guiding principle to further the advancement of societies in the Middle East.

There were no appointments to boards or commissions at this meeting.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Appropriation Ordinance 11-01 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, stating that there was no committee recommendation.

LEGISLATION FOR SECOND READING

It was moved and seconded that Appropriation Ordinance 11-01 be adopted.

Appropriation Ordinance 11-01 To Specially Appropriate From The General Fund Expenditures Not Otherwise Appropriated (Appropriating A Grant From The Bloomington Bicycle Club To Fund The Bicycle Light Campaign)

Mike Trexler, City Controller introduced Ray Hess from city planning who described a program which involved giving away bicycle lights to cyclists riding after dark without lights. Hess said riding without lights was a ticketable offense, but rather than ticket the riders, his staff worked with police officers to pull over the riders and install the lights during which time they also shared bicycle education tips and gave them safety brochures. He said the funding was donated by the Bloomington Bicycle Club as in years past.

Rollo asked about the procedure of pulling over bicyclists, and asked if Hess had any anecdotal stories about the experience. Hess said the police department was very supportive of this partnership. He said police and planning staff were both present to pull over the bicyclists. The first reaction was usually alarm at being pulled over by a police officer, but when riders realized they were getting free lights, their mood quickly changed, he said. He said that this was a targeted group that needed this service the most, since they were riding at night with no lights.

Volan asked if there was greater need than what could be served by this program. Hess said it was dependent on the year. In 2008, they ran out of lights, but in 2010 they didn't use all of their lights, with the extras being put into this year's supply. He said the hope was to provide lights twice, once in the spring and once in the fall.

There was no public comment on this item.

Satterfield congratulated Hess on a well thought-out program.

Mayer thanked Hess for all of the work he had done on bicycle usage and safety.

Rollo said he was very encouraged by the education, encouragement and enforcement aspect of this program, three of the criteria for certification levels of the League of American Bicyclists. He also said he was

delighted with the work of Ray Hess and Scott Robinson, as well as the Bloomington Bicycle Club for their generosity of this grant

Appropriation Ordinance 11-01 (Cont'd)

Appropriation Ordinance 11-01 received a roll call vote of Ayes: 8, Nays: 0.

There were no items for First Reading at this meeting.

LEGISLATION FOR FIRST READING

There were no public comments in this section of the meeting.

PUBLIC INPUT

Sandberg said there were only two council members who would attend the Council Internal Work session scheduled for Thursday to discuss seasonal hires, and wondered if Council would consider cancelling the meeting.

ADDITIONAL ACTION

It was moved and seconded that the Internal Work Session for April 21st be cancelled.

- Internal Work Session cancellation

Wisler said he supported the motion, but wondered who in the administration would be bringing this action forward because he would like to have a discussion about the proposed legislation. Council Administrator Sherman said he would report back with that information.

The motion to cancel the Internal Work session received a roll call vote of Ayes: 8, Nays: 0.

- Committee of the Whole cancellation

It was moved and seconded that the upcoming Committee of the Whole meeting for April 27th be canceled since there was no pending legislation for consideration.

The motion received a roll call vote of Ayes: 8, Nays: 0.

The meeting was adjourned at 8:38 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington