

In the Council Chambers of the Showers City Hall on Wednesday, May 18, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
May 18, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler  
Absent: None

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of March 23, 2011 were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer congratulated those who would be soon graduating from area high schools.

REPORTS:  
COUNCILMEMBERS

There were no reports by any city offices at this meeting.

MAYOR and CITY OFFICES

Andy Ruff reported on the Metropolitan Planning Organization's Policy Committee meeting that took place on Friday, May 13, 2011. He noted the policy committee voted to approve the 2012-2015 Transportation Improvement Program without inclusion of the state project segment of I-69 which would run through the Bloomington/Monroe County Metropolitan Planning Organization area. He said the vote was 8-3, and that a case was made that the state did not have a plan to fund the majority of the project.

COUNCIL COMMITTEES

- MPO

He said the representative from (Indiana Department of Transportation) INDOT at the meeting acknowledged that there was \$4.5 billion in backlogged projects that had been delayed for lack of funding, that there were 4000 structurally deficient bridges in the state, and an \$850 million annual revenue shortage compared to need. He added that gas taxes, the proposed funding mechanism for the project, might decline or at best remain stable as gas prices fluctuate. He added that there was no convincing case for a way to fund this project, and that there was a possibility that the road would be built to adjoin SR 37 at Fullerton Pike and stop there. He said many policy committee members had concerns about that and felt it was not in the community interest or a responsible public policy decision to include it in the TIP. He added that public comment comprised about 89% of the 3.5 hour meeting.

He stated that what would happen next remained to be seen, and that the Kruzan administration would be working with INDOT and the Governor to figure out the best interest of everyone in moving forward.

Sandberg read the rules for public speaking at this meeting.

PUBLIC INPUT

Bruce Anderson read passages from the Indiana Constitution and said he had filed a suit against the council for limiting public comment and various other things. He used more than the allotted five minutes for public comment and was told he was out of order and asked to leave the podium.

Brad Wilhelm, Director of Rhino's Youth Center, took the opportunity to present Stephen Volan with an award for their First Annual Karaoke Superstar Competition. He said Volan's overwhelming win was in honor of the City Council. He noted that the trophy was a traveling trophy to be defended in the next competition.

It was moved and seconded that Paul Sturm and Martina Celerin be appointed to the Bloomington Arts Commission. The appointments were approved by a voice vote.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Appropriation Ordinance 11-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Recommendation of Do Pass 3-0-4. It was moved and seconded that Appropriation Ordinance 11-02 be adopted.

Susie Johnson, Director of Public Works, noted that the appropriation would allow the city to try a program for graffiti eradication in the downtown this summer. She said two seasonal staff members would be hired and supplied with materials to do this job. She said that the program would work through the police department for reporting, and work with property owners to eradicate the graffiti.

Rollo noted his question in a previous discussion was from citizens who wanted to know why city resources should be used for this issue rather than have offenders to this public service work. He said he had been told that 'hold harmless' agreements, training and consistency issues might be problematic. He asked if that was a good summation, and Johnson said it was.

He asked about reporting back to the council regarding the program in six months to one year. Johnson agreed that it would be done.

Sturbaum asked if there was thought given to fee-based participation in the program. He noted that repairs might come from those fees. Johnson said that was not discussed. She said the hopes for this project was to hit the downtown immediately and quickly, working with property owners to get the markings cleaned up as quickly as possible without putting up a lot of hoops for folks to jump through. She said it was about getting the downtown cleaned up quickly and consistently and the team at City Hall was looking at a variety of options and that this could be something considered in the future. Sturbaum said that getting rid of the marks quickly was most effective. She said there would be a lot learned this summer from everyone involved.

Piedmont-Smith asked if it would be an option for a business owner to allow the city to treat the property without having to call for a second instance of graffiti. She noted that this would be better than having Sturbaum's idea of a buy-in option, which may exclude some properties from being treated. Johnson agreed.

Piedmont-Smith asked if there could be a more specific report-back date. Johnson said it could be done, and added that more often the topic is discussed in public meetings, on TV, the more graffiti gets done. She noted that the report could be written.

Satterfield asked if there were folks outside the city who were on the 'team.' She noted the team was city personnel, although there had been talks with property owners who had been vandalized. She said the team could be expanded in the future.

Wisler asked about the process for gaining permission from the property owner. Johnson noted the process was as follows. A report to the graffiti hotline, it would be logged into the police record; an officer would go out to investigate the area. She noted that the same time the record would be sent to Public Works and assigned to the graffiti team. She said that the team would check GIS, determine owner, and get a 'hold harmless' sign if the owner or an agent is not on site.

Wisler noted that swift work would be most effective, and asked what would happen if the owner could not be reached immediately. Johnson said that even if it took two weeks to contact the property owner, they would do that. She added that the agreement could be effective for the entire span of the summer pilot project.

## LEGISLATION FOR SECOND READING

Appropriation Ordinance 11-02 To Spend Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for the Creation of a Graffiti Removal Pilot Program)

Sturbaum asked if a business could sign a form in advance of any activity. Johnson said that they could, and a form could be faxed to them for a signature.

Wisler noted that some building owners have given permission for artists to paint their buildings, and he asked if she knew the location and owners of those buildings. She reiterated that permission would be needed by the property owner for any of the city graffiti removal to be done. She added that commissioned work was not vandalism. He asked if there would be time wasted in locating those buildings if a complaint was submitted for them, to which Johnson noted that that issue would not pose a problem to the program.

Rollo asked if art work would be affected by graffiti. Johnson said that the city would not have the ability to restore artwork.

A call for public comment brought Larry Jacobs from the Chamber of Commerce to the podium. He commented that the Chamber, Probation Department, business owners and city officials met with a graffiti artist last fall. Jacobs said the artist provided insight into the issue of graffiti. He said it was a problem with city and private property as well as business buildings. He said the Chamber would like to be involved and encouraged the consideration of this pilot program.

Volan noted that the program that brought him the award that evening from Rhino's Youth Center was the type of activity that focused and channeled the interests of young people away from expression at the expense of others to expression for the benefit of others. He said that he would support the appropriation ordinance, but wanted to also give some thought to programs that focus the interest of young people who might feel that their only means of expression is tagging (a stylized personal signature).

Rollo said he was willing to support this as a pilot program, and said it was a shared responsibility between the public and private property owners. He said he'd like to know if there are repeat offenses in the same places, or if there are continual new places vandalized. He said any statistics would be helpful in evaluation.

Sturbaum said it was a community problem and would require a community solution.

Wisler said he would support the pilot program and that its effectiveness wouldn't be shown until it is enacted. He said he would pay attention to tracking the times and how quickly information would flow, particularly with getting permissions. He urged not cutting corners in color matching as off color touchups might end up looking worse than the graffiti and might actually look like an inviting place to paint again. He said even the graffiti vandals could appreciate true art and gave the example of the Children's Mural on the B-line that used to be a spot for graffiti, but that had not been painted since the mural was put up. He said attention needed to make sure the removal was not shoddy.

Mayer said that this conversation had been taking place for a number of years with a number of groups and governmental departments. He said this was a viable solution and thanked Johnson for her efforts.

Sandberg noted the attention seeking element of graffiti saying that the more to-do and fuss that was made about this issue, the more the activity would be actually encouraged. She said motivations need to be considered and that the graffiti needs to be dealt with immediately.

She said talking to David Nosko, a case manager at the Community Mediation and Justice Center, was helpful in understanding the issue.

Appropriation Ordinance 11-02  
(cont'd)

Appropriation Ordinance 11-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Appropriation Ordinance 11-03 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund for Housing and Neighborhood Development)

Appropriation Ordinance 11-03

Ordinance 11-05 To Amend Title 8 of the Bloomington Municipal Code Entitled "Historic Preservation and Protection" To Establish A Historic District – Re: Garden Hill Conservation District (Bloomington Historic Preservation Commission, Petitioner)

Ordinance 11-05

It was moved and seconded that the Internal Work Session scheduled for Friday, May 20, 2011 be cancelled. The motion was approved by a voice vote.

COUNCIL SCHEUDLE

There were no comments at this portion of the meeting.

PUBLIC INPUT

The meeting was adjourned at 8:23 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington