

In the Council Chambers of the Showers City Hall on Wednesday, June 1, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 1, 2011

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of May 4, 2011 (Regular Session), May 11, 2011 (Special Session), and May 18, 2011 (Regular Session) were approved by a voice vote.

APPROVAL OF MINUTES

Chris Sturbaum said it was nice to see all the neighbors in the council chambers.

REPORTS:
COUNCILMEMBERS

Tim Mayer thanked the city departments that were involved in the clean up after the storms of the previous week. He asked that citizens be patient in the cleanup process.

He thanked his wife, Sue, for 49 years of marriage as this day marked their anniversary.

Susan Sandberg noted that the City/County Citizen Breakfast on June 9, 2011, would host Lee Huss, Urban Forester for the City. She said he would talk about the tree damage, inventory, clean up and plans for the future. She invited citizens to attend, ask questions and share their perspectives.

2011 Blooming Neighborhood Awards were presented by Lisa Abbott, Director of HAND, and Vickie Provine, Program Manager for the Housing and Neighborhood Development Department. Abbot commended Provine's ongoing work with neighborhood associations of which these awards were part.

MAYOR and CITY OFFICES

Abbott presented the MAYOR'S EXCELLENCE AWARD to the Blue Ridge Neighborhood Association with Certificates of Recognition presented to Bloomington Housing Authority Neighborhood Association, Bryan Park Neighborhood Association, and Northwood Estates.

Tim Mayer presented the CITY COUNCIL NEIGHBORHOOD ENHANCEMENT AWARD to the Crescent Bend Neighborhood Association, with Certificates of Recognition going to the Bloomington Housing Authority Neighborhood Association and the McDoel Gardens Neighborhood Association.

Provine presented the HAND TEAM OF THE YEAR AWARD to the Near West Side Neighborhood Association with Certificates of Recognition presented to the Broadview Neighborhood Association and Northwood Estates

There were no council committee reports at this meeting.

COUNCIL COMMITTEES

Sandberg read the rules for public speaking at this meeting.

PUBLIC INPUT

Randy Paul gave a report on the Help America Vote Act work. He said that the November elections would most probably be compliant with HAVA regulations either through vote centers or polling sites in precincts. He said the problem was not money or volunteers, but with the definition of accessibility. He said wheelchairs and walkers were

not the only issues in accessibility. He said most of the issues in the questions are not apparent to most able bodied people and gave examples of parking, door knobs, and sidewalk problems that might make a polling place inaccessible. He added that there were two polling sites that came into question in the recent primary, and that the playing out of the issue and resolution in the paper had people involved not speaking to each other which was no way for a community to resolve issues. He added that there were 14,000 people with disabilities – some hidden – that he'd like to see be able to vote. He asked the council's help in doing so.

Gabe Rivera spoke about the drug war and his efforts to discuss the issue in the community.

Daniel McMullen spoke of bullying. He spoke of people being left out of the city conversation in community development and safer neighborhoods. He advocated for more empowerment of the less fortunate, and asked the council to help.

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

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Appropriation Ordinance 11-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0. It was moved and seconded that Appropriation Ordinance 11-03 be adopted.

LEGISLATION FOR SECOND 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)

Lisa Abbott, Director of Housing and Neighborhood Development Department, said that in 2010 the YMCA was allocated funds for a program designed for people with the risk of developing Type 2 Diabetes. She added that there were fewer participants than anticipated and so there was unspent money. She said the Mayor would like for that money to be appropriated to the 2011 grants line so that they can be allocated with this year's Jack Hopkins grants.

Mayer pointed out that the issue was discussed in a committee meeting the previous week.

Sandberg thanked Abbott for bringing this to the council, and added that the Jack Hopkins Social Service Funding recommendations would be discussed at the council meeting on June 15, 2011.

Appropriation Ordinance 11-03 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 11-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-1-0. It was moved and seconded that Ordinance 11-05 be adopted.

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)

Nancy Hiestand, Program Director with the Housing and Neighborhood Development Department, gave a short presentation of the proposed Conservation District showing a map of the area. She said that the process had been going on since January of 2008, and that the number of contributing properties in the District was 73%, similar to the other two conservation districts in the city. She said property owners had been notified on four occasions. She added that her office had received a few communications of opposition in the form of phone calls, but no letters opposing the establishment of the District. She noted the council had received one letter, but she had received nothing within the past week since the council's committee meeting on the subject.

Hiestand noted that in February the Historic Preservation Commission had unanimously recommended this conservation district

Ordinance 11-05 (cont'd)

There were no council questions on this issue. Sandberg called for Public Comment.

Phil Worthington, Garden Hill resident, said he greatly appreciated the 'yes' vote in the committee hearing and would also appreciate the ratification of that vote.

Jan Sorby, President of Bloomington Restoration, urged the council to support the conservation district designation. She said that the primary purpose was to protect and preserve the character inside areas defined by specific boundaries. She said it was similar to the concept used to create new neighborhoods today, with property rights defined by developer covenants to create consistency within the area. She said in both cases of new development and conservation districts guidelines are accepted, property rights are restricted by a separate document, design standards are established and an organization is defined and charged with the responsibility to enforce the standards. She added that the restrictions were expected to create additional value. She said that conservation districts were the only way that older neighborhoods could protect housing stock, keep consistency to streetscape and regain property values. She added that this measure would also encourage revitalization, and encouraged the council to support the measure.

Patrick Murray, from the Prospect Hill Neighborhood Association, said that his neighborhood went through this same process three years prior. He said it had made a big difference in the quality of the neighborhood and the expectations that people have when purchasing property in the neighborhood. He urged approval of this proposal.

Elizabeth Cox-Ash, from McDoel Gardens, urged the council to vote in favor of the Conservation District. She said these neighborhoods were the jewels of Bloomington and needed to be preserved.

Kerry Slough, Garden Hill, said she was pleased that her neighborhood had not been forgotten. She said the neighborhood sought help to deal with uncontrolled development and other difficulties. She said that going through the process to get to the point of the council vote on the Conservation District was the most focusing thing done as a neighborhood, and the neighborhood had become much stronger for it. She asked that the council listen carefully to the comments about conservation districts and vote favorably for the city's third conservation district.

Julia Dotson, Garden Hill, thanked the council for considering the conservation district for their neighborhood.

Wisler applauded the neighborhood for being active in this effort and said he appreciated their intent. He said there were properties there worthy of protection. He said he voted no in committee, and wanted to explain his reasons. He said he was opposed to giving over individual property rights to someone that was not elected and directly accountable to voters, which, he said, would be the case in the conservation district. He said that neighborhood covenants had unanimous consent of those who purchased from the developer, while the conservation district was put in place by the council. He said his 'no' vote was not a reflection of the neighborhood, but that he disagreed with the way the law for conservation districts was set up.

Volan said that it was not true that nothing could be done to promote the livability of a neighborhood. He said that over time the city had put into place neighborhood parking zones and escalating fines for noise violations to this end. He said now the city was embracing the conservation district tool to help shape the neighborhood to help make the neighborhood more livable again. He acknowledged the presence of many people who had moved this idea through for the past three years and expressed his support for the legislation.

Sturbaum noted that this was ultimately a preservation action based on historic preservation law. He said the historic form being preserved was the pre-oil age traditional neighborhood form. He said this form of compact building located close to downtown and easily walkable was coming back into fashion in the post-oil phase also. He said that there was much to learn from these compact houses with open porches facing streets. He added that things don't just get saved without some government action, and that sometimes issues of preservation transcend individual property rights. He commended the neighbors for their action in their actions toward the conservation district.

Piedmont-Smith said she was supportive of the conservation district and appreciated the citizens who have experience speaking at the meeting about conservation districts. She said it was a way to protect core neighborhoods for a mix of people and for the good of all of Bloomington.

Rollo thanked the citizens for speaking to the council on this issue, and said he appreciated the comments and perspectives.

Sandberg said she would be supporting the legislation. She said that issues threatening the core and fabric of the neighborhood, rentals and commercial uses, often bring neighbors together for action and that she had witnessed that in her own neighborhood at a recent meeting. She said that the will of the people had a great deal to do with government actions on this issue. She added that this preservation effort encouraged neighborliness and revitalization.

Ordinance 11-05 received a roll call vote of Ayes: 7, Nays: 1 (Wisler).

There was no legislation for First Reading at this meeting.

LEGISLATION FOR FIRST READING

It was moved and seconded that the Committee of the Whole meeting scheduled for June 8, 2011 be cancelled. The motion was approved by a voice vote.

COUNCIL SCHEDULE

She announced the internal work session of the council would be held on June 3, 2011 at noon.

There was no public comment at this point in the meeting.

PUBLIC INPUT

The meeting was adjourned at 8:34 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington