

In the Council Chambers of the Showers City Hall on Wednesday, April 21, 2010 at 7:30 pm with Council President Isabel Piedmont-Smith presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 21, 2010

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

ROLL CALL

Council President Piedmont-Smith gave the Agenda Summation

AGENDA SUMMATION

The minutes of October 7, 2009 (Regular Session) and January 6, 2010 (Organizational Meeting) were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer mentioned that the next day was the 30th anniversary of Earth Day and remembered that on that day he was honored and pleased to be in Dunn Meadow with Senator Gaylord Nelson of Wisconsin who was the principal founder of Earth Day. He mentioned professors Don Whitehead and Craig Nelson along with students Doug Porter, Mark Sheehan, Hayden Rochester and himself who were involved in the activities of the day. He reflected that issues of concern then are the same issues we struggle with today.

REPORTS:
COUNCILMEMBERS

Chris Sturbaum urged folks to participate in Earth Day activities this week saying that Councilmember Rollo and Nancy Hiller were featured speakers. He said that the Monroe County Community School Corporation had their hands tied with funding cuts. He said that the community should step up with Bloomingfoods to help save the Bradford Woods camp program. He said he would contribute and urged past participants to contribute, too.

Steve Volan said that he was convening a public discussion about the 45/46 bypass project proposals. He said that traffic counts and projected growth rates may not warrant the project. He said that he invited INDOT to have a public meeting in City Hall on May 6th at 6 pm to present their final design of the expansion project. Volan also encouraged citizens to join with him in a "ReThink the ByPass Charrette" on three nights over the following two weeks. He noted dates and times.

Mike Satterfield said that he witnessed road rage on the bypass this week and asked folks to be respectful of each other and not make a difficult drive in that area worse.

Dave Rollo noted that Transition Bloomington was having an event over the next weekend to deal with energy depletion and global warming. He said this group proposed a citizen action to mitigate and prepare for these issues with a program called The Great Unleashing. He urged folks to come to the day long program on Saturday that would prepare a citizen action plan.

Susan Sandberg reported that the Homeward Bound walk over the previous weekend was successful and urged folks to still contribute to the effort in the next thirty days. She thanked the Community and Family Resource Department's Kathy Mayer for her extraordinary leadership with this event.

Andy Ruff said most people in the state didn't understand the state administration priorities prevented the school funding crisis from being addressed. He said that we need a longer term solution to the problem and that the Major Moves Trust Fund was unencumbered by federal restrictions and that the Fund contained billions of dollars that could be

used for addressing the shortages. He encouraged everyone who valued education over new superhighways in southwest Indiana to contact the governor's office to use this money for schools.

Councilmember comments (cont'd)

There was no report from the mayor at this meeting.

MAYOR and CITY OFFICES

There were no council committee reports at this meeting.

COUNCIL COMMITTEES

Raymond Robertson, former board member of the Shalom Center, asked for help in making a shelter for homeless since the Interfaith Winter Shelter was now closed for the season. He gave council members a prepared document of plans for this shelter and needs for the council to consider.

PUBLIC INPUT

Gabe Rivera spoke on his activities to end the drug war and thanked the council and public for their compassion for the homeless.

Sandra Ducey spoke about the Deer Task Force. She expressed her concern about a broad range of interests represented, how the task force members would be selected, and how the meetings would be conducted. She had prepared a written document with her concerns that she presented to the council.

Reverend Hal Taylor said the problem of homelessness was immediate. His backyard was the site of tents housing homeless persons at night. He asked for the City's help in the issue of homelessness in the name of a Safe and Civil City.

Travis Combs said he was creating a documentary on the problem of homelessness and would provide the council with a copy of the film. He said he knew the problem personally, and asked the council for help.

James Hart said he would repeatedly return to the council meetings with the faces of the homeless until the problem was solved.

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

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 10-05 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 Resolution 10-05 be adopted.

LEGISLATION FOR SECOND READING

Resolution 10-05 To Approve Application and Authorize Loan from the Business Investment Incentive Fund (Feast Bakery Café, Petitioner)

Adam Wason, Assistant Director of Economic Development for Small Business and Sustainable Development, asked for approval of the resolution. He gave a brief history of the creation of the BIIF and added that the current balance was \$645,626 with two outstanding loans to Bloomingfoods and ChaCha.

He said that the residents in the neighborhood wanted such a business in their area, and Wason said this would fit perfectly with their desires.

He added that a waiver of the geographic requirements of the loan fund was necessary as the Café address was not in the boundaries of the Downtown Opportunity Overlay District. He said that staff and economic development commission supported these actions.

Piedmont-Smith said most questions had been answered in the Committee meeting the previous week, and asked if the petitioners present in the audience would like to make any statement. They declined.

Resolution 10-05 (cont'd)

Mayer, Sturbaum, Satterfield wished the Feast Bakery Café luck in their endeavor. Satterfield said he looked forward to walking down the street to get coffee.

Rollo stated he would submit his comments from the Committee of the Whole meeting for the record:

"I remember I was on the plan commission at the time and the first petition that was offered for this site was very unimaginative and was opposed by the neighborhood and was defeated by the slimmest of margins. Fortunately the neighborhood turned out and Matt Press stood up and formed charrettes and I think its one of the best examples in the city of a sustainable neighborhood with efficient homes built of quality materials. You won't see a single snout house in the development, meaning that you have front porches where people can gather and interact, they know their neighbors, and this is a perfect fit. It's walkable for residents, the neighbors listed a restaurant as one of their desired outcomes, so this has really exceeded my expectations of that petition and am very happy that it was approved by the plan commission and the city council five or six years ago. So I'll be voting yes"

He said this was an ideal model for a sustainable neighborhood and wished the Feast Bakery Café well.

Piedmont-Smith said that she thought the trend of buying locally was a good one and appreciated that aspect of the business. She wished them luck, also.

Resolution 10-05 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 10-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 6-0-2.

Resolution 10-04 To Approve
Conveyance of the John Waldron
Arts Center

It was moved and seconded that Resolution 10-04 be adopted.

It was moved and seconded that the council postpone the consideration of Resolution 10-04 until the regular session meeting of May 5, 2010.

Volan, sponsor of the motion to postpone said that he had previously expressed his concern about the conveyance of this building, and after extensive discussion in the past week it was found that there were sufficient reasons to delay the final action on this conveyance for two weeks. He noted that WFHB, Ivy Tech and the City had all agreed on this and hoped that that fact was sufficient to garner support for postponement from the council.

Satterfield asked Volan to describe the items of concern.

Volan said the agreement outlined terms of WFHB and Ivy Tech in terms of rent and studio space. He said that if, in the future, there was a disagreement between these two parties, WFHB could conceivably move, but that their antenna or translator for 98.1FM could not move. He said that the FCC licenses translators for one location only and any move would result in the discontinuance of the license for that frequency with a whole new application process that might take years to be approved. He said there were rare openings on the FM frequency for reapplication. He said he hoped that the document could have a separate consideration for the movement of the transmitter. He said "Transmitters don't move easily and translators don't move at all."

Satterfield asked for a statement by someone connected to WFHB.

Mark Need, President of the board of directors of WHFB, said he appreciated Volan's statements. Need said he was a lawyer and taught at the Maurer School of Law at Indiana University. He said he

appreciated the discussion of particular fine points of the conveyance, but that the agreement had come to him just the day before and enumerated what WFHB 'shall' do. He said he hadn't had enough time to review this; WFHB had not seen the agreement, had not been a party to that agreement or had discussed it as a board of directors. He said he'd been in close discussions with the principals, but would like more time to review the relationships in the conveyance, its effect on the WFHB 501(c)3 not-for-profit status, and supported suspending the council's action on the conveyance for two weeks.

Ruff asked Volan if these were the kind of issues that he was concerned about at the last committee of the whole meeting when he stated there had not been enough time to read and study the conveyance documents. Volan said it was.

Rollo asked Need if this was a time frame that worked for him. Need said he could not predict this, but said he had spoken to the others involved and was committed to moving this item along.

Volan said he agreed with Need's assessment, and believed that two weeks was a sufficient time if all parties were at the table and that the concerns of each party were taken into consideration.

Ruff said that Volan's concerns expressed at the last meeting were actually right on the spot, and that it was now evident that more time was needed to finalize the conveyance. He said that it was also the position of some members of the council.

Piedmont-Smith said she appreciated due diligence by Volan and agreed that more time to work out details in this conveyance was needed.

Sturbaum said that he supported the delay.

The motion to postpone consideration of Resolution 10-04 to May 5, 2009 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

Ordinance 10-06 To Amend Title 9 of the Bloomington Municipal Code Entitled "Water" (Rate Adjustment)

Ordinance 10-06

Ordinance 10-07 An Ordinance Concerning the Construction of Additions, Extensions and Improvements to the Waterworks of the City of Bloomington, Indiana, the Issuance of Revenue Bonds to Provide the Cost Thereof, the Collection, Segregation and Distribution of the Revenues of said Waterworks, the Safeguarding of the Interests of the Owners of said Revenue Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith

Ordinance 10-07

It was moved and seconded that Ordinance 10-06 (Water Rates) and Ordinance 10-07 (Water Bonds) be considered according to the following schedule: Discussions at the two consecutive Committees of the Whole – April 28th and May 12th; and Second Reading at a Special Session on Monday, May 17th. After further discussion that evening, the Council may continue discussion and consider final action at the Regular Session on June 16th.

MOTION ON SCHEDULE FOR THE ABOVE TWO ORDINANCES

MOTION on schedule (cont'd)

Rollo said there was some sentiment in postponing this legislation but that even another committee meeting could be scheduled on this item if needed. He said his proposal above allowed sufficient time and opportunity for discussion and adjustments on these two items. He said that in the future he would hope that all information needed for the discussion be provided in the council packet before the first reading of the legislation. He said that the answers to some questions were provided by Patrick Murphy, Utilities Director, that afternoon.

Volan and Rollo discussed the meanings of the words 'final action' and 'second reading' and the dates proposed. Volan suggested if a third committee meeting was needed, it be scheduled during the meeting on May 12th. Rollo said he was willing to amend the motion, and did so as reflected above. Volan noted he was concerned about a Monday meeting as it was outside the regular sessions of the council. Piedmont-Smith noted that changes could be made at a later date.

Piedmont-Smith said that she was disappointed in reading the packet issued the previous Friday to find that the many questions that council members had asked about rate increases were not addressed. She noted that this was a complex and important issue for the city and rate payers. She said that in March 2010 many complex questions were asked about the utilities issue and expected those to be answered in the packet, and that since they were not, she would have preferred to not have the above two ordinances read at this meeting. She said that the long response that was received that afternoon was not timely in upholding and respecting the council schedule. She said that she expected complete packets before first readings.

Piedmont-Smith further said that the Utilities Service Board had made the recommendation of a 54% rate increase and yet the recommendation in Ordinance 10-6 was a 47% increase. She said she would like to know why there was a discrepancy in this number.

Volan said he concurred with the statements of the chair.

Ruff said he also agreed with Piedmont-Smith's concerns and emphasis.

ACTION: The motion in regards to the schedule of consideration of the above ordinances received a roll call vote of Ayes: 8, Nays: 1 (Satterfield).

There was no public comment at this section of the meeting.

PUBLIC INPUT

The meeting was adjourned 8:54 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Isabel Piedmont-Smith PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington