

In the Council Chambers of the Showers City Hall on Wednesday, May 5, 2010 at 7:30 pm with Council President Isabel Piedmont-Smith presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 5, 2010

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

ROLL CALL

Council President Piedmont-Smith gave the Agenda Summation

AGENDA SUMMATION

The minutes of April 21, 2010 were approved by a voice vote after three minor corrections.

APPROVAL OF MINUTES

REPORTS:

Brad Wisler congratulated those who participated in the election on May 4, 2010 by being on the ballot, working on campaigns and also working at the polls.

COUNCILMEMBERS

Tim Mayer announced that the following Saturday was the day that postal workers nationwide were picking up food that citizens put by their mailboxes for food pantries. He encouraged folks to participate to help agencies in are area.

Mayer said he had worked the election by counting absentee ballots. He noted it was a bipartisan effort and was an enjoyable experience. He thanked election workers who worked hard to make sure the information was processed accurately.

Steve Volan gave a report on his series of Rethinking The Bypass charrettes held recently. The question asked in the charrettes was: *"Is INDOT's Bypass expansion proposal sensitive to the current context of Bloomington?"*

- Rethinking the Bypass
Charrette Report – Volan

Volan noted that INDOT's criteria for expanding a road was based on traffic counts, the number of commercial vehicles on state roads and crash data. He noted that the original projections done by INDOT in 1997 had not been realized. He gave crash data from the Planning Department that indicated the top accident locations were intersections on the bypass (with six of 50 intersections with the highest accident rates) and SR 37 (having 3 of the 4 worst intersections in the city).

Volan said the charrette participants were asked to look at the Bypass and assess its current positives and negatives, and then look at INDOT's proposal for the Bypass with an eye to the positives and negatives there.

The general conclusions were that the Bypass was not a method of bypassing the city any longer, but actually a road through the city, and that the design of the proposed changes had many positive and desirable qualities. The participants found that the major problem was the excessive proposed road width, and that intersections were too wide. Their recommendations, Volan noted, were to cut at least two lanes of traffic from the proposal, to enforce a 40 mph speed limit throughout the roadway design, and to treat pedestrians and bicyclists as equal users of signalized intersections and design them accordingly.

Volan noted that the charrette brought some unanswered questions for INDOT and that they would be discussed with those officials at an open house to be held the next day. These questions encompassed the verification of traffic data, the definition and measurement of congestion, pedestrian underpass security and safety, signal cycle times at intersections and how all this was affected by cars turning right on red.

Volan urged the public to email or call the council for specific data in this report.

Bet Savich, City of Bloomington Volunteer Network Coordinator, reported on the Be More Awards. She said that WTIU had produced an hour long program on the awards ceremony that had been held at the Buskirk-Chumley Theater on Tuesday, April 27, 2010. She announced the following awards:

MAYOR and CITY OFFICES

- Peoples Choice Award – WonderLab
- Be More Collaborative Award – Bloomington Amateur Radio Club
- Be More Involved Award – Brittany Paulk
- Be More Creative Award – Bloomington Community Band
- Be More Phenomenal Award – Tara Darcy-Hall
- Be More Knowledgeable Award – WonderLab Volunteer Team
- Be More Energized Award – Lily Kinder
- Be More Sustainable Award – Art Woodruff, DVM
- Be More Bloomington Award – Dawna Petersen
- Be More Dedicated Award – Joe and Joyce Peden

- Be More Award Winners

It was moved and seconded that the Internal Work Session dates for the remainder of 2010 be approved. The motion to approve the schedule presented was approved by a voice vote.

COUNCIL COMMITTEES

- Proposed Schedule for Internal Work Sessions

It was moved and seconded that the rules be suspended to take up an item that was not originally on the agenda. The motion was approved by a roll call vote of Ayes: 9, Nays: 0

Motion to suspend rules

It was moved and seconded that the council hold a special session before the Committee of the Whole meeting scheduled for May 12, 2010 to discuss a resolution not currently scheduled for that time.

Motion to hold a Special Session on May 12, 2010 immediately before the Committee of the Whole meeting scheduled that day.

Piedmont-Smith said this action would allow a resolution regarding bicycles to be heard just before Bikes Week to generate publicity for the week, and reiterate the city's dedication to making Bloomington a bike friendly town. She explained the nature of the legislation that would create a task force to recommend how the city could achieve a Platinum designation from the League of American Bicyclists Bicycle Friendly Communities Program by 2016. She said this meeting would be held prior to the Committee of the Whole originally scheduled for that day.

Mayer asked if this task force would be different from the Bike and Pedestrian Safety Commission. Piedmont-Smith said it would as the BPSC was focused on safety and the proposed task force would be geared specifically toward reaching the Platinum level. She noted that there would be one member from the Bike and Pedestrian Safety Commission on the task force.

Wisler asked if it only needed one reading. Piedmont-Smith noted that was correct.

The motion was approved by a roll call vote of Ayes: 9, Nays: 0

Piedmont-Smith read rules for public comment.

PUBLIC INPUT

It was moved and seconded that the public comment portion of the meeting be expanded from 20 to 30 minutes at this meeting.

The motion was approved by a voice vote.

Piedmont-Smith noted that since there were so many citizens who wished to make a public comment at this meeting, that comments be kept to 2 minutes each. She said that minutes would not be aggregated for one speaker.

Piedmont-Smith said she would allow Reverend Hal Taylor to speak for six minutes.

Taylor said he spoke for the homeless and the problems of those without homes and the need for anyone to sleep in peace. He said there were between 100 and 400 people who were mostly invisible and who slept at night in various places. He asked the City of Bloomington and the Council to act immediately in the interest of people who were homeless so they could lay down and sleep in peace.

Gabe Rivera talked about ending the drug war.

Marc Haggerty said that the problems we faced in our community came down to money and lack of funding. He added that we had resources to draw on that don't depend on money. He spoke of electoral reform, the homeless, and the need for funding of the school system.

George Brooks said that Rev Taylor was a paragon of virtue and that there was an affordable housing crisis all over the country. He said that this was because real estate was a speculator's market functioning much like a stock market. He added that it was not possible to solve a market caused problem with a market based solution. He said people were working harder for less, another cause of the problem.

Dorothy Axsom said that people need to unite instead of stereotyping and advocated tearing down walls regarding the homeless. She said that children under the age of ten had been helping this group, and said that more folks could do it too. She said the problem had continued to grow and was getting worse.

Travis Combs said he was a brother of the homeless on the street, and asked that the officials trying to solve the problem listen to the homeless and help them. He offered to convene a meeting for such purposes.

Deborah Riley said that the community should keep the concern regarding the homeless going by writing letters to the editor. She asked for a public forum so that regular citizens could offer to help and keep the issue to the forefront.

Elizabeth Venstra, President of Bloomington Transportation Options for People, said she was a regular commuter along the bypass. She supported Volan's design charrette and added that INDOT's proposal was based on outmoded transportation paradigms and outmoded projections of traffic data that had not materialized. She said that the ideas that emerged from the design charrette would better balance different modes of transportation while improving traffic flow.

Jillian Kinzie supported the concerns about the bypass. She said that her trips on the bypass were scheduled to avoid congested periods, and that she had avoided riding bikes there. She said that while conditions were not good, the INDOT proposal had serious flaws. She asked that we all rethink the current plans because they didn't seem to be based in the reality of what happens on the bypass. She asked that officials should think creatively and integrate INDOT designs with the MPO and other policies of our community.

Colin Cledmore said he worked on a traffic study on the bypass timing travel from one intersection to the next. He said a staggered work release might have a significant impact on traffic and would cost little.

Ann Krielkamp said she learned a lot from Volan's charrette exercise. She said she was puzzled by the advocacy for a wider bypass, especially with increased lights, with longer stop times due to wider intersections. She said that in her traffic study she witnessed several people crossing between intersections and said this would be increasingly dangerous with more road width.

Sarah Clevenger, charrette attendee, said that the bypass bypassed connectivity between the areas on either side of the road and also bypassed practicality. She said this should be rethought and that Complete Streets should be effective on both sides of this 'avenue.' She noted that people were taking to walking and biking for health benefits. She concluded by noting that more pavement, which would increase stormwater runoff, should be reconsidered.

Jelene Campbell, who lives on Eastgate Lane just three houses from the bypass, said she experienced all the problems of road noise and flooding and worried about the increase in pavement and what that would do to the already existing problem. She said she had to cross the bypass to get to the bus stop, which would be a problem with a wider road. She also said with an increased width in the roadway she doubted if people would walk a half mile down the road to cross the road at an intersection and that pedestrian safety should be considered. She noted too, the winter conditions of safety for pedestrians walking that close to high speed lanes, and also questioned if the snow would be plowed onto the sidepaths. She said the proposal needed to be downsized.

Greg Alexander said he was also involved in the timing study and thought it would be unusual for INDOT to completely ignore a city council request to rethink the design. He said a 5 mile trip on the bypass was 7 minutes with no traffic, 10-12 minutes with morning rush hour, and 17-22 minutes for evening rush hour. He said that a 10 minute wait should be kept in perspective.

Sarah Ryterband thanked Volan for convening the charrette. She said the problem of the bypass was one of perception and that widening it would cause more problems. She invited citizens to participate in the INDOT meeting the next day.

Seth Wagner, IU student and Bloomington native, said that more lanes on the bypass would attract more drivers. He said he'd rather see an increased effort put into public transit so it worked more efficiently and served the public better.

It was moved and seconded that Janet Cheatham Bell be appointed to the Commission on the Status of Women. The nomination was approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 10-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 10-07 be adopted.

LEGISLATION FOR SECOND READING

Nikki Vaught, Administrative Director for the Bloomington Housing Authority asked for approval of this resolution.

Resolution 10-07 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

President Piedmont-Smith noted that this resolution was a routine action taken by the council and therefore there would be little discussion on the item. She thanked Vaught for her attendance.

Resolution 10-07 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 10-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 10-06 be adopted.

Resolution 10-06 To Approve an Enterprise Zone Investment Deduction (EZID) in the Thomson Tax Increment Financing (TIF) District - Re: Cook Pharrmica, 1300 and 1400 South Patterson Drive

Doris Sims, Assistant Director of the Housing and Neighborhood Development Department, gave some background information on the Bloomington Urban Enterprise Association noting some of the benefits

and programs of the Zone. She said that the EZID was one of the programs of the Enterprise Zone and explained the program requirements and the tax deduction.

Sims noted that in 2008 the state legislation changed to require EZIDs to be approved by the legislative body. She noted that this was due to the increase in taxes being abated rather than being deposited in the TIF district. She talked about the specific facility improvements that Cook Pharmica was planning and said this would increase the workforce there by about 200 people – chemists, scientists, engineers, IT personnel and production workers – with a total payroll by \$11.9M. She said that the anticipated tax savings for building improvements was \$112,000. The fee to the BUEA for this tax incentive would be \$22,388.00 -- 20% of their tax savings. She noted that Jason Rager, Tax Director for the Cook Group, was present for questions.

Volan asked if the businesses would still pay into the fund. Rager noted that the deduction was only available for increases in the assessed value of the property.

Rollo asked about the timing of the expansion. Rager said they would be producing commercial product in September of 2010.

Ruff noted the traditional question in the granting of tax abatements regarding the necessity of the deduction for the creation of the investment. He noted that the EZID issue was different from that scenario as the investment had already been done.

Ruff asked Rager what the savings would be used for. Rager said the company had considered the deduction before they planned the plant expansion and that the amount of the increased assessed value had to be established before asking for the deduction. Sims added that the tax savings should be reinvested within the business located in the Zone boundaries.

Sandberg asked if the increase of 200 employees at this time was planned from the inception of the project. Rager said that there had already been a pharmaceutical manufacturing project that employed 200. He added that this new project was for a fill/finish operation that would also have about 200 employees with about 115 present employees in that project.

Sturbaum asked Rager if he oversaw the Cook investments outside of the Bloomington area and then asked him to compare incentives from other sites. Rager said that factors other than incentives were considered and gave the example of the composition of the work force. He gave an example of the Cook Pharmica expansion saying that the Group had considered Ohio and North Carolina, but in the end the company decided they would invest in Bloomington because they were a Bloomington and Indiana company.

There was no public comment on this resolution.

Mayer thanked Cook for continuing to invest in the community.

Sturbaum said that the EZID was a bargain for the community, adding that jobs and businesses were kept here, and money filtered through the BUEA. He said the support of reading programs, and other school support projects were examples of positive ways that this money would be used. He said that the money that otherwise go to the state but would now stay here to be invested directly in the Zone. He thanked Cook for the investment.

Volan said Mayer spoke for the entire council in his thanks to Cook. Volan added that the notion of reinvestment was attractive to him, and said it was a most welcome development.

Resolution 10-06 (cont'd)

Resolution 10-06 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 10-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 10-09 be adopted.

Resolution 10-09 To Approve An Enterprise Zone Investment Deduction (EZID) in the Thomson Tax Increment Financing (TIF) District - Re: Mike Weston, 1800 S. Walnut Street

Doris Sims, Assistant Director of the Housing and Neighborhood Development Department, noted that this 4,000 square foot property was purchased and renovated for an insurance building. She said two full time jobs were created and the total amount invested was \$347,000.

Mike Weston, petitioner, said the purchase price of the property was in addition to the figure that Sims named, and that he had just become aware of the Enterprise Zone Investment Deduction. He said the increased assessed value of his property had raised his taxes to the point where he was having difficulty finishing his renovations to rent the last portion of his building. He said this deduction should help with that effort.

Public comment brought Seth Wagner to the podium. He noted that this deduction only created two jobs and wondered why a project this large with what he called so little return to the community was eligible for a tax deduction.

Volan said that like with the previous EZID, the companies were paying into the Enterprise Zone fund that would be dedicated for improvements and programs to enhance the Zone. He said that the amount of deductions were commensurate with the number of jobs being created. He encouraged folks interested in the BUEA programs to contact him, Sturbaum or Sims.

Mayer said that it was a nice adaptive reuse of the original structure. He said that the Cook Pharmica was also adaptive reuse of the old Thompson/RCA factory, and said the deduction was a good use of this policy.

Satterfield said the improvements looked good in that part of town and thanked Weston for his investment there.

Piedmont-Smith said that when there was a reduction of property taxes for one business she had concern that it would raise property taxes for all the other businesses. She said she checked with Controller Mike Trexler about this issue, and he told her that the granting of this type of deduction did affect the tax rate calculations both inside and outside of the TIF. Within the TIF, the city would not see a change in its taxable net assessed value as it had been abated through the TIF. The total net assessed value used to calculate tax rates in the city as a whole would be slightly reduced because the EZID would not be calculated in that. She said that in the overall context of our city the deductions would not significantly raise tax rates for others. She said there was a clear reason for the Enterprise Zone to exist to help with revitalization, and that she was pleased to see these investments being made there.

Wisler said it was important to note that this was a reduction in net assessed value from the increase in investment, and that it gave relief to those making improvements on their property. He said the tax break

was not given on the original investment, but on private new investment.

Resolution 10-09 (cont'd)

Resolution 10-09 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 10-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 10-08 be adopted.

Resolution 10-08 To Authorize the Submission of a DR1 Application to the Indiana Office of Community and Rural Affairs and Related Matters

Lisa Abbot, Director of Housing and Neighborhood Development, explained the request. She said that the \$162 million in CDBG funds was received for Midwest disasters including the floods in June of 2008. She said the funds could be applied for only by units of local governments and could be used for infrastructure restoration, economic revitalization, and non-housing disaster recovery activities. She said this resolution allowed the HAND Department to submit an application for that money for the Salvation Army's repairs to their childcare and community center. She added that the public hearing would take place on May 11, 2010, to review and take comment on this application. She noted that this project would ask for \$216,314 to repair the facilities and site to prevent more flood damage. She said she hoped to hear results of the application process in early July.

She noted that Lt. Jonathan Fitzgerald from the Salvation Army was present for questions.

Sandberg asked Fitzgerald how the organization had adapted their services since the flood damage. Fitzgerald said the Thrift Store was not affected, but the child care area was in risk of flood because of a insufficient drain that could not handle large rain events. He said that the playground area mulch was contaminated from the flood and the area needed to be re-graded to solve the problem in the future. He said the exterior damage needed to be fixed at this point to prevent further interior damage.

Piedmont-Smith asked if the day care had been used continually since the flood, specifically referring to mold issues. Fitzgerald said the mold issues were checked and were not in a serious state at this point, but if problems were not mediated, the problem would necessitate the suspension of activities in that building.

The call for public comment brought no one to speak on this issue.

Resolution 10-08 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. She noted that the action of the council at the regular session of April 21, 2010 on this resolution was to postpone action until this meeting date. The Committee action of April 14, 2010 was a Do Pass Recommendation of 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.

Margie Rice, City Attorney, reviewed the continuance of the resolution from the April meeting saying that the council wanted to give Ivy Tech and WHFB time to negotiate their sharing of space, which they have done. She said their non-binding letter of intent was now attached to the City's conveyance document, replacing any former language that referred to the WFHB/Ivy Tech arrangements.

Mark Need, President of the Board of Directors of WFHB, thanked the council for the extension of time to negotiate the letter of intent, and said that they were comfortable with the arrangements.

John Whikehart, Chancellor of Ivy Tech, commented on the agreement. He reviewed the recent history of the College, and said that the vision statement of the college recently added a need to develop plans, programs and actions in the areas of student development, continuing education and community service. He said the conveyance noted the use of the building was to be for artistic, cultural and educational improvement and services to individuals, Ivy Tech students and to the community. He said Ivy Tech intended to make investments in the property of over \$500,000. He said he was happy with the arrangements with WFHB adding that the letter of intent was not essentially different from conversations that had taken place regarding the use of the space, and that the speed and agreement on the substance indicated that. He added that Ivy Tech was eager to move forward with conversations with the arts community. He said that summer programming for children had been planned and would be advertised as soon as the conveyance was complete. He noted appreciation for the city's corporation council and attorney for their skill in bringing together all the partners to preserve what he called a 'community treasure.'

Sturbaum asked Whikehart about the advisory committee to be connected with this program. Whikehart said that every academic program of Ivy Tech had an advisory committee of interested members of the community. He said performing arts and visual arts partners would be consulted for input and feedback on the programming and how the facility was being used. He said this was part of the operating procedures of Ivy Tech.

Piedmont-Smith asked how the members of an advisory committee were chosen. Whikehart said that he made those decisions and already had offers of help for this committee. He said he would seek others to make sure that there was broad representation, adding that there were no specific numbers of persons required.

Volan asked if the property was being conveyed to Ivy Tech of Bloomington or the College as a whole, to which Whikehart said it was the Bloomington Campus. Volan wondered if there needed to be a distinction between the Bloomington Campus and Ivy Tech of Indiana as a whole. Whikehart said the five attorneys who reviewed and wrote the document didn't think that was a necessary addition.

Volan asked how a non binding letter of intent was actually binding and how both parties were protected. Need said that a letter of intent was used to indicate the parties' positions on the issues which elevated confidence between parties so that the conveyance would not be held up. He said WFHB was doing this against the backdrop of an existing lease.

Volan asked if there was an agreement being drafted between the parties. Need said this was being done and should be completed within a few weeks.

Volan asked about the un-relocatable transmitter on the top of the building and if the station had concerns about the future of the transmitter. Reed said the station was comfortable that the issue could be addressed in the lease process.

Sandberg asked about the transference of operations that was currently being handled by the City, including cost and timing. Miah Michaelsen, Assistant Economic Development Director for the Arts, said that since the City took ownership of the building on April 1, 2010, the building was staffed from 9am until midnight every day. She said the City and Ivy Tech would work together as they prepared to take over the responsibility while the building was being used by Cardinal Stage and as an art exhibit was being installed.

Resolution 10-04 (cont'd)

Lewis C. Ricci, Executive Director of the Indiana Arts Commission, said he was happy about this proposal. He said it was a terrific solution to the problem to put this cultural asset into the hands of a responsible, stable party. He said that management and facility organization of Ivy Tech would create a good underpinning for the arts of the community. He thanked the city for stepping in to save the cultural asset.

Amy Brier, artist and Director of the Indiana Limestone Symposium and art instructor at IVY Tech, said she had heard nothing but support for this endeavor. She felt that Ivy Tech was quick to grasp opportunities and that they would provide more access for the community in the arts.

Sturbaum said that this resolution put community into Community College. He said that positives were coming from this resolution and thanked everyone for making this happen.

Sandberg read a statement by Lynn Schwartzberg, Chair of the Bloomington Community Arts Commission:

On behalf of the Bloomington Community Arts Commission, I wholeheartedly support the City of Bloomington sale of the John Waldron Arts Center to Ivy Tech Community College. The agreement insures that the community will have an arts center open to all with a stable ownership into the future.

Mayer said he had received a phone call from Evelyn Powers who was involved at the beginning of the Waldron, and related that she thanked all for their work in keeping an arts center in that building.

Mayer said he was on the board of directors of the Bloomington Area Arts Council when they took on the Waldron. He told of the efforts to ready the building for modern use and some of the board's plans for the building. He thanked Kruzan for his actions to save this building, and thanked WFHB for their understanding and cooperation.

Volan said he had served WFHB since it's founding, and noted that the call letters WFHB came from "We're Fire House Broadcasting" indicating that the station was located in the old fire house attached to the old city hall which is now the Waldron Arts Center. He said the reason that WFHB had flourished was the stability of their lease. He said that he made no apologies for looking out for the best interests of that worthy organization. He added that Ivy Tech's stewardship of this building downtown underscored the idea that the whole city should be the college campus. He appreciated the administration taking the extra time to make sure that the conveyance was done well. He concluded by saying that the BAAC had the vision of the arts center and kept stewardship for 20 years and thanked them for that effort.

Piedmont-Smith said she was appreciative that all parties were amenable to take the extra time to make all comfortable with the agreement and said it was a great addition to the arts tradition in the downtown.

Resolution 10-04 received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST
READING

Gabe Rivera continued his statements regarding psychiatry and drugs.

PUBLIC INPUT

Naveed Hassan expressed his concern about the Arizona legislation concerning immigrants and a lack of outcry from this community which consists of many different immigrants who come here legally. He suggested to the council that they take the action taken by other cities by

banning Arizonan products and issuing a boycott to show disapproval of the law. He suggested that this would show immigrants in this community that the council stands against racist laws that occur in other parts of the country and that it wouldn't happen in Bloomington.

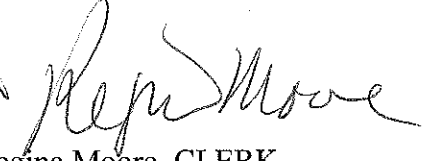
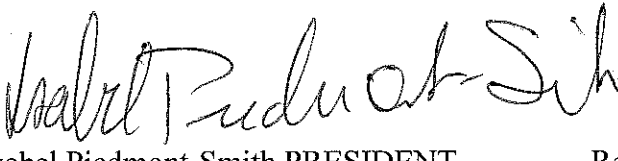
PUBLIC INPUT (cont'd)

The meeting was adjourned at 10:12 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Isabel Piedmont-Smith PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington