

In the Council Chambers of the Showers City Hall on Wednesday, December 15, 2010 at 7:30 pm with Council President Isabel Piedmont-Smith presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 15, 2010

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

ROLL CALL

Council President Piedmont-Smith gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Tim Mayer noted that long time Fire Department employee Joyce Franklin was feted at a reception at the downtown fire station. He called her a sweet presence there and wished her the best in her retirement after 28 years of service.

REPORTS
COUNCIL MEMBERS

He also wished citizens Happy Holidays, and hoped that there would be peace and prosperity in the new year.

Chris Sturbaum wished folks a Merry Christmas and Happy Chanukah and said there was much work to be done to make the world a better place. He urged all citizens to work together to accomplish this.

Mike Satterfield said he had just witnessed a pedestrian on 10th Street near campus standing in the middle of the street, in the middle of the new pedestrian crosswalk, with no one stopping to let him cross. He noted these crosswalks were installed to make pedestrian crossing safer and urged motorists to watch for them and to let students cross for their safety.

Susan Sandberg thanked Hans Huffman for his service as Chair of the Community and Family Resources Commission. She said he recently resigned and the new chair was JoAnne Bunnage.

Dave Rollo prefaced his remarks by noting the need to support local merchants this season. He then gave a report on peak oil developments since the end of the work of the Peak Oil Task Force. He noted that members had continued working together and would be releasing a statement on December 16, 2010.

He noted that with the Peak Oil phenomenon, production would decline year after year which would have significant impacts on economy, transportation, trade, agriculture and other energy dependent activities.

He said that recent reports on the status of Peak Oil that have stated the phenomenon had occurred or was very close to occurring had recently come from a number of sources -- governmental, civilian and militaries, private sector, and academic reports. He also noted the surprising trend of reports issued by advisory organizations that have been a bit obtuse about recognizing Peak Oil.

Rollo noted that the German Military report, the *Bundeswehr* Report, cited Bloomington's Redefining Prosperity Report and actually reproduced its Vulnerabilities and Strategies summary in their report.

Citing another military report, he noted that the US Joint Forces Command issued their 2010 Operating Environment Report and warned of near term shortages of oil and the preparation for it.

Rollo noted the report from the International Energy Agency (IEA), a global entity supported by a consortium of countries interested in energy security, disclosed the fact that global production of conventional oil had peaked in 2006, while previously the agency had underplayed the risk of oil shortages. He said the IEA's World Energy

Outlook Report noted that the category of "crude oil fields yet to be developed or found" filled in for decreased oil production. Rollo said that in actuality, these new fields required time to develop and be brought on line, and that there were very few fields of significance being discovered.

Citing a governmental report, Rollo noted that data included in the Energy Information Agency Report from the Obama administration's chief oil expert, Glen Sweetnam, indicated that conventional oil production would be falling off in 2012.

He said that private sector reports recently published included one from the insurance company, Lloyds of London, together with UK consultancy Chatham House. He said their report forecasted the consequences of not preparing for coming oil shortages and the vulnerabilities of Just-In-Time delivery of goods. The report made a plea for more resiliencies in that system.

Rollo noted that academic studies on Peak Oil included Oxford and Kuwait University reports that projected peak production of oil in 2014. He said that some of the scientists were formerly employed by the National Oil Company of Kuwait, a member of OPEC.

He cited local press reports on high oil prices through 2010, and noted that coming prices of \$100 per barrel present a difficult situation for world economies suffering under the global recession.

Rollo presented the main points of the group's press release indicating that the lack of preparation for peak oil at the federal and state level should be reason for added urgency and effort at the local level. He concluded noting that the *Redefining Prosperity* report adopted by the council last year was published at <http://bloomington.in.gov/peakoil>.

Steve Volan gave a report on "College Driven Metros" in the southeast. He defined a College Driven Metro as a metropolitan area with 50,000 or more population, where 15% of the entire metro, not just of the town, is college students enrolled at a residential four-year university and where the largest employer is higher education. He had recently visited Athens, GA; Greenville, NC; Charlottesville, VA; Harrisonburg VA; Morgantown, WV; Athens, Ohio and Clemson, SC in his study of the impact of larger colleges on the towns and cities in which they are located. He said he was researching ways to compare these peer cities to Bloomington and to each other.

Volan showed slides of signs and infrastructure related to parking, pedestrian and transportation issues that he found. These included:

- A sign that noted "turning traffic yield to pedestrian" that might help make crosswalks safer.
- A sign that noted "City Maintenance Ends" that indicated the beginning of campus areas.
- A pedestrian mall in 8 downtown blocks of Charlottesville, Virginia, a hub of student and civic activity.
- A trolley for use between campus and other points in the downtown Charlotte area.
- A special sculpture that citizens used to express themselves with chalk and graffiti.
- A personal rapid transit used in Morgantown, West Virginia, that transported students and non-students on rail.

He concluded that he was on the right track with his research, and that there were things that we could learn from our peer cities.

President Piedmont-Smith noted that this would be the last meeting she would chair as President of the council. She used the opportunity to summarize the legislation that the council had passed during 2010. She said that the 15 ordinances, 13 resolutions, and 5 appropriation ordinances could be grouped into a few categories. She noted planning

COUNCIL MEMBERS Comments
(cont'd)

issues were addressed in ordinances regarding Patterson Pointe, a revision of flood plain standards, and an application for rezoning.

She noted the economic development work which was accomplished by revising the Bloomington Investment Incentive Fund guidelines to encourage more pursuit of this funding, expansion of the downtown TIF, the extension of the Bloomington Urban Enterprise Association for an additional five year period and the approval of a BIIF loan for Feast Café.

She mentioned the traffic and transportation issues that were addressed throughout the year including the approval of funding for the Atwater/Henderson intersection improvements, traffic calming in the area of Southdowns and Mitchell Road, the creation of a Platinum Bike Task Force, and the passage of a traffic ordinance that changed several portions of the Bloomington Municipal Code Title 15.

She noted that several quality of life issues were discussed in the council meetings. They included a supporting resolution for the MCCSC funding referendum, the successful transfer of ownership and stewardship of the Waldron Arts Center and the approval of CDBG and JHSSF grants for a combined total of over \$1M.

She said that fiscal issues discussed this year were more than routine in nature, acknowledging the passage of the budget ordinance for the City, Utilities and the Transit system as well as bond refunding, issuance of bonds for the sewage treatment plants and the approval of two federal stimulus money bonds for local economic development, and the approval of a water rate increase.

She noted that the two issues that dealt with the Animal Control department were to allocate grant monies and to also implement fees for the use of the facilities for animals outside Monroe County.

She said it had been a busy year, that she enjoyed being president and looked forward to her continued work in the next year.

Lynn Schwartzberg, Chair of the Bloomington Community Arts Commission, joined by Peter Jacobi and Craig Widen, updated the council on their recent activities. They had reviewed grant applications for the Arts Project Grant Program and approved eight of twenty applications for \$5000. She highlighted projects that included those from the Bloomington Chamber Singers' free Messiah Sing, Bloomington Downtown Gallery Walk, the Bloomington Early Music Festival, Bloomington Playwrights Project, Bloomington Symphony Orchestra, Boys and Girls Club, Cardinal Stage Company, and the Southern Indiana Wind Ensemble.

REPORTS FROM THE MAYOR
AND CITY OFFICES

Cynthia Schultz represented the Bloomington Commission on Sustainability and reported on the Sustainability Trends and Assessment Report (STAR), part of their charge under the commission's enabling legislation. She said it included the categories of employment, energy, food, housing and water. Highlighting some items, she reported that electrical usage was up from 2008 to 2009 overall. She noted while residential use rose, governmental and commercial use fell, but did note that there was a new category that made analysis more difficult. She said that Duke energy had reported that there were 26 interconnection agreements in Bloomington whereby those users would actually be selling energy back to the utility. This reflected 25% of all of Indiana interconnection agreements for both wind and solar, and up from 17 in 2008. She said that memberships in CSA's were up, and the number of homes receiving funding through HAND's programs had increased. She also noted that the amount of waste declined and the amount of recycling increased during this year which continued a six year trend in that area.

She noted that there were twelve recommendations in the 2008 report that were being worked on, and that the commission would continue to improve the reporting process. She thanked the council for funding the

position of Sustainability Coordinator and for their support in general.

Satterfield questioned the new category of user "other" for reporting purposes. Schultz said she didn't know enough about the make up of that category to comment at this point.

Mayer asked about research on energy usage from land lines to cell phone systems. Schultz said she would look into that energy use.

Volan asked about other categories of the report. Schultz said she had more of that information but selected just a few items to mention. She said the report would be on the Commission's website.

Lisa Abbott, Director of the Housing and Neighborhood Development Department, and Jacqui Bauer, Sustainability Director in the Economic and Sustainable Development Department gave a report on recent home energy audits conducted by the city SCCAP and the US Green Building Council. They explained the program, identified the methods used in the audits, discussed follow up with homeowners, and showed slides of the equipment and some results of the tests for heat loss. They noted that the *Redefining Prosperity* goal of having 5% (1000 – 1500 homes) of homes being retrofitted each year presented a challenge as there was much effort that went into processing the 57 homes from this round of audits. They outlined some ideas for meeting the goal using community resources.

Rollo said that this demonstrated ways that people could evaluate their energy loss and gave folks a perspective on putting more insulation in their homes. He said this would also help against fluctuations in prices of energy, especially natural gas. He said it was a unique opportunity offered by city government.

Volan asked how much these 57 audits cost. Abbott said she didn't have the information with her but could provide it, adding that the bulk of the expense was for staff time. Volan asked how much it would cost to meet the demand for audits, considering that over 200 folks called to inquire about the program. Abbott said it was a pilot project and would not be inexpensive to continue.

Sturbaum asked who was doing audits now. Abbot said that SCCAP was doing this, but only for folks who met income guidelines. She said others could meet the HAND guidelines, or could get referrals from the Bauer and her office. Bauer talked about moving towards the goal in incremental steps and noted some awareness issues that could be presented without a complete energy audit.

Regina DiLavore, Phaedra Pezzullo and Diane Henshel from the Environmental Commission gave a report entitled *Toxics Report for the City of Bloomington: Releases, Remediation, Inventory and Recommendations*. This report was requested by Ordinance 09-21 in order to examine chemical releases in the environment, chemicals remaining in the environment and an inventory of chemicals stored in Bloomington. DiLavore said that the data was currently being analyzed after being collected for several months. She noted current legislation in effect, the methodology for reviewing reports and documents, information on the Toxic Release Inventory in general and specific to Monroe County, and the local hazardous waste sites covered under the Superfund program. She also discussed the Voluntary Remediation Program approved by IDEM and said there were six sites in that program. She noted that an inventory of stored chemicals was taken each year, noted their locations and type. She also discussed types of Underground Storage Tanks and chemicals involved in their use. She concluded by saying that there have been historical releases of chemicals in Bloomington that have been addressed, but not fully resolved, that there was highly technical and difficult to understand information available from different sources and in different formats. The report also gave recommendations for additional research. DiLavore asked for feedback for further analysis of the data, and she

REPORTS FROM THE MAYOR AND CITY OFFICES (cont'd)

COUNCIL COMMITTEES

- Environmental Commission

invited the council members on a tour of PCB sites sometime in 2011. Sturbaum asked what was done about leaking underground storage tanks. DiLavore said that they were usually removed and the ground around them mediated.

Satterfield said the numbers were interesting. He asked about the sites of the underground storage tanks and asked about the size of them. DiLavore said her database showed the location of each tank in gas stations, Indiana University, motor pools, real estate offices, manufacturing facilities, and car dealerships. Pezzullo said that the data could be presented in a map format if the council felt that would be more useful to them and the public. Satterfield said he wanted to know more about residential areas and the locations of all tanks and their sizes.

Piedmont-Smith asked if the underground storage tank data included numbers of septic tanks. The question was answered, "no."

Rollo said the map idea was great. He asked if there was information regarding the dissemination of pollutants from the leaking tanks. Henshel said she wasn't aware of any study that tracked plumes.

Rollo asked Henshel about the Toxic Release Inventory. Henshel said the TRI only required reporting of 25,000 pounds of any chemical, not total chemicals. She said that in Bloomington proper, there were only two industries releasing that amount of any single chemical. Rollo asked Henshel her view of the data, and if the penalties were enabling corrections. She said under the last administration there wasn't a lot of follow up, and didn't know how the new administration was catching up with these tasks. Rollo said that local control over the local community was important to him and he wondered where Bloomington was on a scale of releases relative to other communities, state and national.

Volan asked when the final report would be ready. Pezzullo said that what was presented at the meeting was final data, but the Commission wanted to make sure that areas the council wanted covered, were indeed, covered. She said the situation with Bhopal was not just leakage but storage, and that the report presented had no information from Indiana University or Bloomington Hospital. She said the whole report could be held until that data was available or any other information that the council wanted. She said that additional research could be done and a final report could be ready in six months. Volan said since this was the first report, he would prefer that the report be issued as soon as possible with the statement that Pezzullo made included, what was included, what could be included, what the Commission recommend be included in the next report. He said he was humbled by this report adding that he didn't expect the detail of work presented and didn't anticipate that the Commission would take this much trouble preparing the report. He said the presentation was interesting and troubling. He said it was a remarkable work and was grateful. He asked if the report should be updated and at what intervals. Henshel said that annual updates would take a lot of time and priority. She said the next phase of the report would take from six months to a year to compile, and gave a suggestion of five year updates based on EPA-similar timelines. Volan repeated his suggestion from above.

Rollo thanked the Commission for their work on the public's behalf, adding that the Commission was not paid for their work. He said the information on toxics was very important.

Piedmont-Smith added her thanks, and said she was impressed by the report which she said was more than she expected. She welcomed

suggestions about what they, as legislators, should do with the information. She said she was surprised about some of the findings, and said the public need to know more about the location and content of the findings of toxics.

Environmental Commission Report
(cont'd)

Volan asked if the Commission had found any other communities that had done reports such as this one. DiLavore said her initial search in January of 2010 did not uncover any such reports, and that the Commission created the outline and areas for study. Volan said, like the Redefining Prosperity Report, this seemed to be a groundbreaking report. He asked for a set of data that any community like Bloomington might readily gather so that communities could be compared. Henshel noted state processes and data formatting are different. She also asked Volan to determine the boundary for study – city or complete county, and she also asked for a list of comparable metropolitan areas. Volan said data was probably more available in county form, but deferred to the council. A discussion ensued on the benefits of including health data PCB information. Volan and Piedmont-Smith noted that PCB reports could be referred to in the report, but did not need to be included per se. Satterfield asked the Commission to consider that health information might be a study itself. Piedmont-Smith said her main concern was stopping the release of chemicals. Pezzullo noted concern about how the public would receive this information, and asked the council to give feedback about how the information should be presented outside policy making conversations.

Kay Bull spoke about the prospect of Interstate 69 coming through our community and asked why the state of Indiana was threatening Bloomington to get what it wanted.

PUBLIC INPUT

Marc Haggerty spoke about PCB's in our community with the historical context of the incinerator discussion and said he welcomed the council's re-entry into this issue. He also spoke of his experiences in travel in Mexico and how it was a failed state with much poverty and drug problems and noted that this was the area to which highway 69 would be leading.

It was moved and seconded that Carrie Albright and Rob McCrea be appointed to the Environmental Commission. The appointments were approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 10-20 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-1.

LEGISLATION FOR SECOND READING

It was moved and seconded that Ordinance 10-20 be adopted.

Ordinance 10-20 To Amend Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance" (Amendments to the Floodplain Standards [20.05.048] and Definitions [20.11.020] Sections to be Consistent with Federal Requirements)

Linda Thompson, Senior Environmental Planner and Flood Plain Administrator, presented the requirements of the ordinance.

She noted the ordinance changed the effective date of the FEMA Flood Plain Insurance Rate Maps. She noted that the Department of Natural Resources mandated the inclusion of enforcement of structures partially in the flood plain. She noted that the council had asked in the committee meeting about the number of structures (not necessarily businesses or homes) this would include. She noted that 54 structures would now have to obtain flood plain insurance and follow flood plain regulations. She noted that this was actually eight fewer structures than in the previous map boundary.

Wisler asked how this change was required. Thompson said that the Department of Homeland Security FEMA had made this change. He asked the consequence for not adopting these changes locally.

Ordinance 10-20 (cont'd)

Thompson said that if the updated maps and the flood plain study were not adopted the city would be suspended from the Flood Plain Insurance Program. She said that this would mean that structures in the flood plain would not be eligible for FEMA backed insurance. He asked the direct impact for the owners of the structures. Thompson said that they would be required by their mortgage companies to purchase flood plain insurance if they didn't already have it.

Tom Micuda, Director of Planning, said that this information was aggregated from all the flood plains in the jurisdiction of the maps. He said the number of structures was down from 62 to 54. Wisler asked if as a result of adopting these maps some property owners would be required to purchase insurance, and if not adopting them meant that the current property owners that are required to have flood insurance might lose coverage or wouldn't be able to have FEMA backed insurance. Thompson said that was correct. He asked if the city didn't qualify for that program, those in the jurisdiction would no longer be able to get FEMA backed insurance. Thompson said that was correct.

Micuda said that the city was not able to make local regulations less restrictive than higher levels of government.

Volan asked if these 54 buildings that were in existence in 1991 were now newly required to get flood insurance, or if they didn't exist then. Thompson said that some properties may have already had flood insurance, but now all would be able to get FEMA backed insurance. He clarified that these properties would be protected.

Micuda said the department did not do a building by building comparison of the two jurisdictional maps. He said that they did not inventory which properties fell in or fell out as a result of this change.

Satterfield clarified that Thompson used the 1991 boundaries and then the 2010 boundaries and counted structures that straddled the boundary lines.

Wisler noted that this was legislation that had an actual impact on local citizens, and hoped that these citizens would be informed that this change came from the federal government, not local government. He said it was confusing and could be interpreted as the city council forcing another regulation on someone. He said that he hoped the property owners in question would be provided with the details of the change, and the benefits of the program. He thanked Micuda and Thompson for indulging his line of questioning to make that position clear.

Ordinance 10-20 received a roll call vote of Ayes: 8, Nays: 0.

There was no legislation for introduction at this last meeting of the year. FIRST READINGS

There were no additional public comments at this meeting. PUBLIC INPUT

The meeting was adjourned at 9:58 pm. ADJOURNMENT

APPROVE:

ATTEST:

Isabel Piedmont-Smith PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington