

In the Council Chambers of the Showers City Hall on Wednesday, March 25, 2009 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 25, 2009

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

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The minutes of February 18, 2009 and March 11, 2009 were approved by a voice vote.

APPROVAL OF MINUTES

Councilmember Sturbaum urged that people call Evan Bayh and tell him "to get with it".

REPORTS:  
COUNCILMEMBERS

Councilmember Volan wished everyone happy allergy season.

Councilmember Ruff commented on the death of life long Bloomington resident Tim McCammon who was working at a local quarry when he died. He wished the best to his family.

Ruff also wished the best of luck to the Bloomington High School South basketball team in the state championship.

Kathy Mayer from the Community and Family Resources Department and also co-chair of the upcoming Homeward Bound Walk introduced her co-chair for the event, Janet Cravens from General Electric. She described the event and passed out packets of information to council members.

MAYOR and CITY OFFICES

There were no reports concerning any council committees at this meeting.

COUNCIL COMMITTEES

Mark Haggerty presented information to the Council about the local jail. He said many in the jail have mental disabilities or addictions. He said there are now 350 people in the jail, 100 more than last year when that number was considered a scandal. He said 90% of those in the jail are substance abusers, 80% of the felons are DWIs, and 25% are black in a county that has a 2% black population. He added that everyone in the jail is poor. He said the conditions of the Monroe County Jail are ridiculous because of the lack of recreation and education in this overcrowded confinement which therefore cannot be reformatory. He described the increase of local heroin use. He said we were incubating criminals in this facility and that something reformatory must be done with these people who are poverty stricken or the problem would get even worse. He suggested that it was time for the city to take responsibility and to do something about this problem rather than foisting it off as a county problem.

PUBLIC INPUT

Bruce Anderson said that if we would remove ourselves from the Marxist and Stalinist mindset of Obama and apply the constitution, we would form community incubator foundations and get rid of the big industrial mindsets that create federal unions which created the current bailout problems. In terms of the jail overcrowding, he said the application of mercy would reduce the population, and suggested that the city stop enforcing the excessive bail and bonds and arresting people for walking home drunk. He spoke against taxation without representation.

Suzanne Kern thanked the city for supporting the Community Access Television station because of the ability the public has to view local media, produce videos and view international news casts.

Andrew Sharp reported that the Monroe County Council would be discussing an ordinance to ban smoking in a car with a child under 13 years old. He said although he disagreed with smoking in a car with a child, it is ultimately the parent's responsibility, not the government's. He also said he couldn't find anything on the web site about running for City Council, and suggested it should be on the web site.

It was moved and seconded that Jeanie Walters be reappointed to the Bloomington Urban Enterprise Board. The appointment was approved by a voice vote.

It was moved and seconded that Doug Wissing be appointed as an advisory member to the Historic Preservation Commission. The appointment was approved by a voice vote.

It was moved and seconded that Mike Szakaly and David Walters be reappointed to the Redevelopment Commission. The appointments were approved by a voice vote.

It was moved and seconded that Ordinance 09-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-3. It was moved and seconded that Ordinance 09-04 be adopted.

President Ruff announced that there was an amendment to introduce.

It was moved and seconded to adopt Amendment #1.

Councilmember Sturbaum reviewed the amendment and said this amendment altered the original proposal from changing all buildings in one year, to changing one each year for the next twenty years to allow the ability to focus on each building individually.

Councilmember Piedmont-Smith added that in addition to changing the way Phase II was conducted, a few other changes needed to be made including allowing the staff flexibility for determining when each building would be completed.

Councilmember Rollo explained that changing this ten year schedule to a 12 year schedule was done at the request of Mick Renneisen, Parks and Recreation Department Director, because the greatest burden for buildings to be completed was in the Parks Department.

Councilmember Wisler said his biggest concern was the cost of Phase II because he was concerned the Council was mandating something for which the cost was not fully understood. He said this amendment helped correct that issue. He thanked the sponsors for their work.

Councilmember Sandberg expressed her gratitude to the sponsors of this amendment which she said made this a better piece of legislation, and even though she was supportive of the original ordinance, would support the amended version even more whole-heartedly.

Piedmont-Smith thanked the staff for their assistance with these changes and asked for support of this amendment.

## PUBLIC INPUT (*cont'd*)

## BOARD AND COMMISSION APPOINTMENTS

## LEGISLATION FOR SECOND READING

Ordinance 09-04 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Adding Chapter 2.29 Entitled "Green Building Program")

Amendment #1 to Ordinance 09-04  
This amendment sponsored by Councilmembers Piedmont-Smith, Rollo, Sturbaum and Mayer allows for a transitioning in of the Phase II evaluation of existing buildings. Rather than requiring that Phase II for all existing buildings be completed by 2011, this provides that at least one building shall undergo Phase II analysis each year, beginning January 1, 2011. The amendment requires that Phase II for all buildings be completed by 2020. The amendment also eliminates the requirement that the City develop a 10-year schedule for bringing all buildings into LEED compliance and instead, requires that the City must: 1) register eligible buildings with the United States Green Building Council and 2) implement operational improvements and equipment upgrades necessary to obtain certification by 2022, subject to available funds. The City Administration endorses these changes. Lastly, the amendment makes a technical correction to the definition of "LEED" to make clear that that LEED offers four rating levels.

Sturbaum said the report to Council each year required by this amendment was helpful, and added that he was pleased to support this.

Amendment #1 to Ordinance 09-04  
(cont'd)

Councilmember Mayer thanked Sturbaum for this idea and for bringing it forward. He said Council Attorney Sherman's research on LEED systems found that the city staff would be relied on for much of the pertinent information. Mayer encouraged the administration to set up a system to track time spent on this issue for inclusion in the annual report since it was a cost to the city, and may have future implications as it relates to this ordinance.

Amendment #1 to Ordinance 09-04 received a roll call vote of Ayes: 9, Nays: 0.

Vote on Amendment #1 to Ordinance 09-04

It was moved and seconded that Ordinance 09-04 be adopted as amended.

Discussion of Ordinance 09-04 as amended

Piedmont-Smith reviewed the main point of the ordinance and said it required all new city buildings to meet LEED Silver Standards for new construction which then would certify them as green buildings. She said the ordinance also ensured that existing buildings be brought to LEED "existing building standard" which would be the focus for the city. She reviewed the process and said that the accumulation of credits, awarded in several categories, translated to the certification standards of Certified, Silver, Gold or Platinum.

She listed the categories for receiving credits as Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality, and Innovation In Operations. Ninety-two points are possible. A Silver designation required at least 43 points which is required by this ordinance.

Councilmember Wisler asked whether there were any characteristics or practices awarded credits that wouldn't be allowed in Bloomington such as wind turbines which he said were not in compliance with the UDO.

Piedmont-Smith said she was unsure as to whether any of the items were in conflict with the UDO. She said she could get him an answer.

Wisler said he thought that this information was important because there may be things the city wanted to encourage but which may not have been addressed in the UDO.

Councilmember Satterfield asked whether there was sufficient staff to satisfy the LEED requirements or would the city need to add staff to bolster the city's expertise.

Susie Johnson, Director of Public Works said she didn't think any staff would need to be added at this point. However, the city would need to hire a consultant to assist with the Phase II analysis.

Mayer asked Johnson about his suggestion of tracking staff time and wondered if that was acceptable to the administration.

Johnson said it would take additional staff time, but said it could be done. He said he was concerned about the additional staff time, but added that it was important work, and said it was important to recognize there was a cost associated with this work.

Public Comment

Bruce Anderson said he thought it would be helpful to explore the perpetual motion system because it was a self-sustaining system which would save much more money, because once the system is in motion it would stay in motion. He also suggested a more secure system for air quality would be to explore electrostatic air recirculation systems similar to what is found on submarines since it could remove biohazards and nuclear fallout.

Public Comment

Joe Davis, who identified himself as a green building activist and LEED- accredited said he had concerns about the limited benefits of the LEED accredited system for evaluating the city buildings. He said there were other tools available which had been used around the country. He reported that Bill Brown, IU Sustainably Director has said there are many paths to achievement of high performance buildings, not just LEED. He said LEED Silver certification could be achieved while totally avoiding addressing water efficiency, an issue mentioned by Councilmember Volan at the last meeting. He said LEED was weakened by choice in that matter. Davis added that if the city is limited to just one tool, then the city handicaps itself in achieving its goals. He said he was in support of the program and believed in LEED as a system, however he said other systems could be more beneficial. He added that as knowledge evolved, we shouldn't be limited to this one system, and suggested that this issue be tabled as more information is explored to expand the toolbox beyond LEED.

Public Comment  
Ordinance 09-04 as amended (*cont'd*)

Jim Shackelford said the ordinance was a good idea. He said as a newcomer, his sense was the council and the city staff were knowledgeable and that the city was on a good track. He added that while LEED was a good set of guidelines, there were things better than LEED. He said the city could do better than LEED, and that as mentioned by Councilmember Satterfield, it would be undesirable to set up a bureaucracy which would become expensive in order to comply with LEED. He said sustainability was cheap in the long run, but if it was expensive in the long run, then it wasn't sustainability. He said the bottom line was to find the easiest, most pleasant, most aesthetically pleasing, most practical, simplest, cheapest way to live. He added that the city could be successful if not tied to anything counterproductive.

Tom McGlasson Jr. who serves on the City's Environmental Commission and its Green Building Committee, and has worked with this project from the very beginning said he acknowledged the previous two commenters and their points, and while not wanting to dispute them he said it was important to review why LEED was chosen. He said other communities were explored and LEED seemed to be the most common system in use. It also seemed to be the most broad system that encompassed a multitude of aspects from construction to demolition. He said it was the best option for the city to begin this program, because it was important to start somewhere and to keep it fairly simple. He added that there was nothing to prevent the council from using another system sometime in the future, but to be aware that other systems could be more costly and burdensome.

Jackie Bauer from the Environmental Commission Green Building Committee said those opposing LEED were concerned about abuses of the system. She said there was nothing that could be done to prevent someone who didn't care about Green Building standards from coming into a position of authority, but what this ordinance did was hold any person in authority to a minimum standard. Bauer said that no matter what system was used, there could be abuse. She said this ordinance did not restrict the city to LEED Silver, so the city could always go beyond that standard if there was a concern that other systems would provide greater standards. She said she thought it was a good thing to establish a minimum and urged support of this ordinance as written.

Councilmember Volan asked if there was any particular harm in providing additional standards. He asked why the city wouldn't want to embrace other standards.

Council Comment  
Ordinance 09-04 as amended

Rollo said that this was the preeminent standard, and had been vetted and widely used. It also did not preclude the city from doing better. He added that the higher standards of Gold and Platinum would be

explored, but the cost also increased for those standards. He said this was the best and least confusing way to proceed and would accomplish the LEED goal of using one-quarter less energy than conventional buildings.

Volan said he didn't question the value of the LEED standard, but rather to what extent were other standards examined.

Rollo said that he had looked at other standards early on, and that LEED had the most respect among architects and engineers, but added that he did not test one against the other.

Satterfield asked if the review process was satisfactory for determining the best standard five to ten years in the future, and did it allow the consideration of standards other than LEED.

Piedmont-Smith said she believed so, because the annual report from staff would indicate whether there was a problem with LEED. She added that this was using the most tested system.

Sturbaum said if this operated correctly, it would be revenue neutral down the road. He said it made good sense financially and for the planet.

Sandberg said she was pleased with the ordinance as is, but acknowledged that the council could always revisit this later on if needed since this was a journey into uncharted waters. She said she wasn't too concerned about this being perfect because it was an excellent start.

Wisler said he thought it was important that the city was leading by example by placing the standards on government buildings before private sector development. He said pardon the pun, but thought it was great that the city do "LEED" by example. He cautioned however, that with this system, the same standard could have a positive impact in one case but ignore an egregious error in another case. He also questioned how LEED points were awarded. He said points were awarded for trading in a gas powered snow blower for an electric snow blower, but in a place where electricity is derived from coal, he wondered how much environmental impact that would have when more points should be given for shoveling the snow rather than using a gas or electric snow blower. He said the standard was not perfect and would be happy to offer amendments to allow for other standards as they came to the forefront. He said LEED was the standard by which progress could be measured most readily. His biggest concern, however, had been cost. He said he believed the city needed to show that this was an economically beneficial thing to do and to set an example that others would follow. He urged the city not to demonstrate that this was affordable by government, but not everyone else. He said he was pleased with the effort to control the cost as well as with the spirit of the ordinance and would support it.

Mayer thanked the authors and the staff. He said the amendment improved this ordinance. He also mentioned that the ordinance covered the buildings within the civil city which was taxpayer funded, but also covered the Utilities Department which was rate payer funded. He said his conversation with staff in that department assured him that they were comfortable with this.

Rollo said it had been known that energy and water scarcity along with global warming were pressing problems in this century. He said this was another step in a process that began with the recognition of climate change and peak oil issues. This ordinance allowed the city to attend to the problems. This addressed the cost issue in two ways. First, the initial cost and what it will pay back and save taxpayers, but also takes

Council Comment  
Ordinance 09-04 as amended (*cont'd*)

in the greater cost of pursuing an unsustainable path. In addition to the dividends that energy savings would pay, this also addressed peak oil because with more energy efficient buildings there will be less natural gas used which then could be substituted for liquid fuels.

He thanked his council colleagues for their patience and the hard work of Piedmont-Smith and the research efforts of the council staff. He also thanked the city staff, Mick Renneisen, Susie Johnson, Mike Hicks, Danny Lopez and Adam Wasson, along with Bill Brown, IU Sustainability Director.

Ruff said on behalf of the entire council he wanted to recognize the tremendous amount of work that went into this. Particularly he thanked the council members, the council staff, the city staff, members of the Environmental Commission, the Commission on Sustainability and members of the public who contributed.

Rollo added a special thanks to the Environmental Commission which started this project in their Green Building Committee over two years ago, and demonstrated how legislation could originate at a grass roots level in a city board or commission.

Ordinance 09-04 as amended received a roll call vote of Ayes: 9, Nays: 0.

Council Comment  
Ordinance 09-04 as amended (cont'd)

Final vote on Ordinance 09-04 as amended

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

Bruce Anderson said he had been studying the creator of the present wireless cell communication system that originated with a need in WWII. He referred to the reluctance of a fire department to use the wireless system because of the health warnings and hazards. He said he was curious about the provisions put into place to monitor health situations due to cell phone transmissions.

PUBLIC INPUT

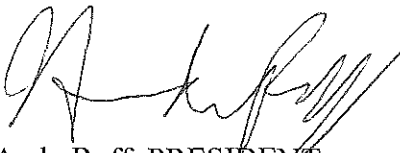
Ruff announced that after adjournment of this meeting, the Council would reconvene in a Committee of the Whole Meeting.

The meeting was adjourned at 9:18 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Andy Ruff, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington