

In the Council Chambers of the Showers City Hall on Wednesday, September 16, 2009, at 7:00 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
September 16, 2009

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

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

Tim Mayer recognized the passing of former Indiana University President Myles Brand, noting that they worked together on the task force to deal with the Thompson plant closing. He said that Paul Kleindorfer, who worked in customer service at Utilities, had also passed and noted that he would be missed. He said they both had a great impact on Bloomington.

REPORTS:
COUNCILMEMBERS

Susan Sandberg noted the upcoming community forum scheduled for October 20, 2009, entitled "There's No Place Like Home: Affordable Housing and Emergency Shelters." She said that the forum would provide personal testimonials and information to the Community and Family Resources Commission.

Isabel Piedmont-Smith announced that a coalition of organizations had put together a series of programs for a local celebration of Peace Week during September 18-24, 2009.

She also noted that the County Council was considering a tax abatement request by Printpack, a national corporation that was planning to close their local manufacturing plant and build a new plant in Monroe County. Piedmont-Smith said she had nothing against Printpack and the jobs they sustained in the community, but didn't appreciate their assumption of receipt of a tax abatement just because they asked for it. She reiterated that tax abatements were given at the discretion of the County Council with recommendation from the County Economic Development Commission. She said that although businesses across the country had this same attitude, the public benefit of each case should determine its outcome. She said their taxes provided services and if the burden for paying them was going to be reduced, there should be some public benefit in return. She noted the newspaper had editorialized that a hesitance on this issue by any County Council member reinforced the suggestion that Monroe County and the City of Bloomington were unfriendly to business. She said that statement was hearsay and that in the last several years Bloomington had been highly ranked in this regard and chided the newspaper for perpetuating the false vision of the community. She concluded by saying that the community needed to look at what businesses brought in return for their wanting to pay less taxes.

Andy Ruff acknowledged passing of Peter Duong, an Indiana University student who was killed in a pedestrian/auto accident on the north side of campus.

Andy Ruff noted that unemployment rates were among measures of economic well-being, according to the Indiana Business Review and the Herald Times. He said that one of the stated purposes for the proposed

section of the I-69 highway was to stimulate economic development, job growth and solve economic woes of the southwestern most counties of the state.

Councilmember reports (cont'd)

Ruff showed a map of Indiana that overlaid county unemployment rates with interstate highways corridors throughout the state, including the proposed southern Indiana route for I-69. In the overlay was indication of county unemployment rates that were both higher and lower than the national and state averages.

Ruff pointed out that the lowest unemployment rates in the state were along the proposed I-69 corridor and the highest were along the existing route in the northeast portion of the state. He said that this was not an isolated example, but a trend that had been going on for many years. He also said that after studying the proposed highway issue since 1992, the data was no surprise and did not tell the whole story, but that it was an interesting graphic presentation of the issue.

Ruff suggested that available scarce dollars to target economic problems would be better spent in ways other than the proposed highway. He said that interstate highways do not stimulate the type of economic development that the community needs.

James McNamara, Director of Pets ALIVE Spay/Neuter Clinic, defined the terms 'spay' and 'neuter,' and explained the non-profit was formed in 2002 as a response to the euthanasia rate at the City of Bloomington's local shelter. He noted the original emphasis was on awareness and adoption with the spay/neuter clinic founded in 2005 based on a national Humane Alliance. McNamara gave a comprehensive look at the clinic from its client base, to services to fundraising and fee structures for services. McNamara said the severe pet overpopulation crisis in the US was being met with an answer of euthanasia, and that although adoption was one solution, it was not enough. Minimizing the number of pets coming into shelters by spaying and neutering was the best answer, with financial help given to those who could not afford the surgery.

MAYOR and CITY OFFICES

Councilmember Ruff reported on the Metropolitan Planning Organization (MPO) Committee meeting held on Friday, September 11, 2009.

COUNCIL COMMITTEES

- RUFF- MPO

He explained that the MPO, consisting of officials from county and city government, City of Ellettsville, Indiana University and others are required to exist and act as a conduit for federal transportation money coming into the community. He said this gave the community a direct voice for decision making regarding that funding.

Ruff said a lot of bad information was going around that interfered with a good grasp of the issue of possibly purchasing property on South SR 37. He said that the property was part of the proposed, but not yet approved segment of I-69 highway extension. The extension had not received a Record of Decision resulting from a final Environmental Impact Study approval under the federal National Environmental Policy Act. He added that construction dates proposed by INDOT were a decade away even if final approval was given by the Federal Government soon.

Ruff said that buying property for the proposed highway was not yet scheduled, but a property owner who no longer lived in the community approached INDOT saying that they were unable to sell their property because it was in the prospective I-69 right-of-way. They asked for assistance.

• RUFF- MPO Report (cont'd)

INDOT had a provision whereby in hardship cases they could buy out a property before it was actually needed for a road or highway.

INDOT asserted that under federal law funding requirements the buyout had to go into the local Transportation Improvement Program (TIP) -- a plan for expenditures within a fairly narrow period of time. Ruff said that INDOT did not provide actual evidence of this requirement. He added that this was despite a long list of good, valid questions asked by the MPO including other INDOT funds that could possibly be used to buy the property, the need for approval by a local body, and others.

Ruff indicated that at first INDOT said the property could be bought in other ways. At its last meeting he said the MPO was told that it couldn't be done that way, but without any actual documentation.

Ruff asserted that INDOT was, in a backhanded way, forcing the community to formally accept the I-69 highway into their TIP.

INDOT also asserted that they could withhold funding for approved projects – tens of millions of dollars – if the inclusion of the property into the TIP wasn't done in this way.

He noted that the Mayor asked for documentation of the federal transportation law and that INDOT never provided any citation of legal code saying that money could be withheld from the community.

Ruff said that in the southern part of the proposed highway interchanges had been eliminated to save money, and that the governor has proposed that that sections of the right-of-way be shrunk and median be reduced to save on construction costs. He noted that with these and other changes happening, it was not obvious that there would be a need for a future right-of-way acquisition that would include the Tapp Road property. He questioned what the impact on this property would be in the coming ten to twenty years, especially in light of no Record of Decision noted above.

Ruff noted that one of the requirements of the projects' inclusion in the TIP is that the project be 'fiscally constrained.' That means that there were identified and expected sources of funds for the project. He said that that funding does not exist for I-69 anywhere north of Crane Naval Base and it was doubtful that increases in costs would even be able to cover the portion of the road being built to that point.

Ruff said, since the project was not 'fiscally constrained,' the following would apply. He read from the federal code as it applied to local MPO's:

- **450.322 Development and content of the Metropolitan Transportation Plan.** *A state or MPO shall not be required to select any project from the illustrative list of additional projects included in the plan.*

He further explained that an "illustrative project" was one that the state was allowed to put in a plan as a placeholder when there was no identified funding.

Ruff asserted that INDOT had been trying to skirt this issue by saying they didn't have indentified funding, but were going to find creative funding, and then created a new category called Creative Financing and claimed that the I-69 project was not just "illustrative."

He said that with all these questions and no good answers, the local MPO wasn't sure if they were being duped into including this tacit statement of I-69 in the local TIP when they really didn't need to.

Ruff said that Mayor Kruzan's idea of having the City purchase the property for affordable housing was the perfect solution. He said it met the owners' needs without the delays of INDOT, and that the newspaper headline should have read "City Assists Property Owner in Hardship Buyout." He said this action actually helped INDOT as it was only considering buying the property because of the hardship request and otherwise wouldn't purchase the property for years to come. He added that if INDOT needed this land, it could purchase it from the City without a hardship provision.

• RUFF- MPO Report (cont'd)

He said the Mayor's solution also addressed the community's concern that the MPO might be putting I-69 into the TIP without reason.

Ruff said that the city would have the benefit of affordable housing rather than INDOT buying and razing the house on the property.

He concluded by saying that the Herald-Times newspaper editorial was unprofessional and insulting. To describe MPO members as 'giddy' because the solution simply was the best for that particular instance was disrespectful to the leadership of the community and didn't do justice to the effectiveness of the solution. He reiterated that the agenda item was to simply deal with a 'hardship' case of a property owner.

He said that considering the circumstances he felt that this lengthy report was needed to set the record.

Mark T. Day, co-chair of Citizens for Responsible Deer Management, introduced Andrea Morrison, the other co-chair of the group. They presented a petition signed by 506 residents requesting the City and County to establish a community based task force to develop a program for controlling local deer population. He said that a similar set of petitions with signatures of 564 county residents was presented to the county commissioners and he read a statement outlining reasons for establishing a task force, the urgency of the problem, experiences of other communities and why the group believed the city/county joint task force was needed. He also presented the Indiana Urban Deer Zone Law and noted that a list of possible candidates for a task force. He said this had become a major issue in the state of Indiana and across the country. He said he was concerned for public health and safety, biodiversity and sustainability, economics and aesthetics.

PUBLIC INPUT

Andrea Morrison recommended a task force follow a community based style of management that would involve local government, residents, public wildlife management agencies, and interest groups. Said a task force was needed to identify and study the problem with public meetings, and then implement a plan to reach and sustain a safe density of deer.

David R. Grubb identified himself as involved in tree transfer and as a landscape gardener. He spoke of environmental issues and sustainability in the county areas.

Gabe Rivera spoke of issues regarding ending the war on drugs referring council members to his websites to view clips of interest. He added that he was appreciative of this time to address the council.

David Meese, an IU student who lived in an apartment above the Bakehouse on College Avenue downtown, said he was required to purchase a permit for \$64 per month to park in his 'neighborhood.' He said people in other neighborhoods paid \$25 for a neighborhood permit for the whole year and said that this was discriminating. He said a subsidy to park in the garage, or a pass to park a couple of blocks away would help those who lived downtown.

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

BOARD AND COMMISSION
APPOINTMENTS
LEGISLATION FOR FIRST
READING

It was moved and seconded that the following legislation be introduced and read by title and synopsis. Clerk Moore read the legislation.

Appropriation Ordinance 09-08 To Specially Appropriate from the Electronic Map Generation Fund Expenditures Not Otherwise Appropriated (Appropriating Funds to Retain Consultant for the City's Geographic Information System)

Appropriation Ordinance 09-08

Appropriation Ordinance 09-09 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating a PetSmart Charities Grant for Use by the Animal Care and Control Department)

Appropriation Ordinance 09-09

Ordinance 09-17 To Vacate Four Public Parcels - Re: A Portion of North Madison Street, West 12th Street and Two Alleys Located Between North Rogers Street, the Indiana Railroad, 350 West 11th Street and West 11th Street. (Doug Dayhoff, Upland Brewing Company, Inc., and Middle Court Real Estate, LLC [together "Upland"], Petitioners)

Ordinance 09-17

David R. Grubb spoke again about the beauty of this area of the country and how the natural resources should not be destroyed.

PUBLIC INPUT

Andrea Morrison said that the Citizens for Responsible Deer Management had a website with other US cities' solutions to deer management information.

Gabe Rivera said he had submitted a program to the local cable access channel, noted his website and youtube address and asked people not to carry guns during peace week and afterwards.

Parliamentarian Volan said for the record that the next council gathering would not afford a public comment section of the agenda because it was a Committee of the Whole meeting.

The meeting was adjourned at 8:34 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington