

In the Council Chambers of the Showers City Hall on Wednesday, November 18, 2009 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
NOVEMBER 18, 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

The minutes for Regular Sessions of August 8, 2009 and September 2, 2009 and Special Session October 28, 2009 were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer reminded citizens that the next week would be the beginning of a holiday season and encouraged folks that have means to remember those who did not during the season.

REPORTS:
COUNCILMEMBERS

Mike Satterfield reminded citizens of bike and pedestrian safety and wanted folks to be more aware of this. He said he recently saw a bicyclist riding after dark, who was poorly visible and talking on a cell phone with one hand and guiding the bicycle with the other hand.

Steve Volan said he was looking forward to introducing a resolution observing the disaster at Bhopal, India on December 3, 1984.

Susan Sandberg announced the Canopy of Lights and Bloomington Pops Orchestra Concerts on the Friday evening after Thanksgiving and encouraged folks to participate.

Isabel Piedmont-Smith noted that she had attended a showing of a documentary entitled "Coal Country" and a CD release party for a CD of the same name of music inspired by the Appalachian Mountains. She said both endeavors were done to build awareness of the mountain top removal of coal which has ravaged the area. She said she was proud to read the Mayor's proclamation at the event, and received a book, Plundering Appalachia, which she said would be placed in the Office of the Mayor. She thanked Andy Mahler, Jason Wilbur and Rich Reardon of Heartwood for their organization of these events. She urged folks to contact representatives in Washington to support two bills that would create the Appalachian Restoration Act that would that would prevent the mining companies from dumping the mountain tops into the streams.

Andy Ruff shared some lyrics from traditional coal mining music and recited the following from Merle Travis's *Dark As A Dungeon*:

..... I hope when I'm gone and the ages shall roll
My body will blacken and turn into coal
Then I'll look from the door of my heavenly home
And pity the miner that's digging my bones

Ruff said he had recently received a report of inequity and economic dysfunction causing social devastation in the country. He said the report from the federal government noted that 25% of all children went hungry last year and read portions of the report based on 2008 data. Ruff said the rest of the report said delinquent mortgages reached an all time high. Ruff juxtaposed this with a report of Wall Street profits being higher than ever. He said that obscene wealth and profiteering when children are going hungry was a desperate call for all of us to come together to shape what our country would be about.

Adam Wason introduced Cynthia Shultz who gave a brief summary of the annual Sustainability Report based on 2008 data. She said that the report was required by statute and tracks and monitors indicators of sustainability. She said this report was expanded to 45 indicators, up from 17 in the previous year's report. She said that the indicators were in the general categories of energy, food, health, housing, job and employment, transportation, water and waste. Other categories (air quality, education, participation in leadership training, recreation and leisure and public safety) were not researched due to limitations of the commission. She outlined recommendations of engaging the community in developing a shared vision of sustainability. She ended by saying that the report was available on line.

Volan asked what difficulties were encountered in comparing Bloomington's statistics to other cities. Shultz did a benchmarking research assessment of other communities of like size and composition to see what they were tracking and added a few more indicators to the Bloomington study. Volan noted that the comparison of peer cities was beyond the scope of this report. Shultz said that was action for the future. Volan said he would like to work with the commission on data gathering of peer cities.

Ruff gave a brief update on the Metropolitan Planning Organization Policy Committee. He noted that there was confusion between the Indiana Department of Transportation and the MPO. He said that there had not been any notification of a problem of inconsistency between the state and local plans. He said local state representatives had been meeting with INDOT officials to better understand the problem and correct it. He said the situation should be clarified by the end of the week. He chastised the Herald Times newspaper for dramatizing the situation and hoped that they would report the outcome accurately.

George Brooks talked about the Lilly Ledbetter Fair Pay Act of 2009. He spoke of protected activities under the National Labor Relations Act and said that the employer prohibition of sharing pay and working condition information was against federal law. He said that employers who kept workers silent and intimidated led to an uninformed work force that pitted workers against each other, with profits and market shares being of more importance.

Juan Carlos Carrasquel from Bloomington Board of Realtors spoke about *Bloomington in Bloom* and provided brochures regarding the competition in June of 2010. He said that America in Bloom was a beautification program, and encouraged both personal and community involvement through the use of flowers, plants, trees and other environmental and lifestyle enhancements. To that end, it also provided educational programs and resources. He asked for help in this project from citizens, and said that more information was available on the internet.

Buff Brown gave a presentation on walkability and parking comparing the Mall, downtown and the Whitehall shopping area. He showed slides of sidewalks, parking situations, and pedestrian pathways in these areas to illustrate good and not-so-good designs for these public areas.

It was moved and seconded that David Harstad be appointed to the Historic Preservation Commission as an advisory member.

The appointment was approved by voice vote.

MAYOR and CITY OFFICES

- Sustainability Commission Report

COUNCIL COMMITTEES

- MPO

PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 09-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee Do Pass recommendation of 9-0.

It was moved and seconded that Resolution 09-19 be adopted.

Alisa Wood, City of Bloomington Budget and Grants Manager, explained that the city had received a \$400,000 grant. She said the resolution was following a protocol to make sure that the council is aware of the agreement before it is executed between the City and the Indiana Finance Authority.

There were no public comments or council comments on this item.

Resolution 09-19 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 09-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee Do Pass recommendation 5-0-3.

It was moved and seconded that Ordinance 09-22 be adopted.

Eric Greulich, Zoning Planner, outlined the project proposed for the property. He showed slides of prospective lot layouts for the project and also slides of architectural styles that would be used. He said that the petitioner had agreed to make all houses two story and would be built to the Silver Standards in the Green Building Standards. He said the staff and plan commission was supportive of the project.

It was moved and seconded to amend Ordinance 09-22 with Reasonable Condition #1.

Sturbaum explained that the amendment would require that all homes be required to have two stories. He said the public good in the proposal was consistency of form on the B-Line and that one story homes would make it quite different in look. He said it was an important element of the public good of this project.

Reasonable Condition #1 to Ordinance 09-22 received a roll call vote of Ayes: 9, Nays: 0.

Volan asked if the architectural styles would be varied from lot to lot. Greulich said there was nothing from the developer on this issue. Volan asked if there was anything forthcoming. Greulich said the developer would most likely want to vary styles from lot to lot. Volan asked if the project would be developed from one end to the other or if someone could buy a lot in the middle of the development at first. Greulich said the project would most likely be built in phases with the Northern lots built first.

Rollo noted that the change in zoning would be from limited commercial and then asked if residents would have services nearby. Greulich said that there was a wide range of services within walking distance of the project.

There was no public comment on the item.

Volan said he was very interested in the development of the project, and said the development was attractive to him. He said it met density and urban living objectives and would support the ordinance as amended.

Piedmont-Smith said she would support the development and agreed with Volan that it was dense, infill development that was appropriate for

LEGISLATION FOR SECOND READING

Resolution 09-19 Authorize Representatives to Act on Behalf of the City of Bloomington with Respect to Certain Matters Related to Brownfields Financial Assistance to be Awarded by the Indiana Finance Authority

Ordinance 09-22 To Amend the Bloomington Zoning Maps From Commercial Limited (CL) to Planned Unit Development (PUD) and to Adopt the Preliminary Plan for the 1.6 Acres McDoel Station PUD – Re: 223 W. Dodds Street (Bryan White, Petitioner)

Reasonable Condition #1 to Ordinance 09-22. This change to the PUD is sponsored by Council by Councilmember Sturbaum and agreed to by the Petitioner. It requires that all the homes have two stories.

Ordinance 09-22 as amended by Reasonable Condition #1.

the area. She commented that the Green Building standard and the reputation of the developer ensured that the development would be one of quality. She noted, too, the B-line and this development would make the area a little safer.

Ordinance 09-22 as amended by Reasonable Condition #1 (cont'd)

Sturbaum thanked the developer for bringing the project forward and said this was an example of the B-Line creating opportunities for development. He said it would be useful to the residents of the development and the vice versa.

Ordinance 09-22 as amended by Reasonable Condition #1 received a roll call vote of Ayes: 9, Nays: 0

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

LEGISLATION FOR FIRST READING

Appropriation Ordinance 09-11 To Specially Appropriate from the General Fund, Parks General Fund, Risk Management Fund, Fire Pension Fund, and Sanitation Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund and Motor Vehicle & Highway Fund for Police, City Clerk, Public Works, Animal Care & Control, Engineering, Street, and Traffic; Appropriating Funds from the General Fund, Parks General Fund, Wireless Fund, Sanitation Fund, Fire Pension Fund, and Rainy Day Fund for Payroll Needs in All City Departments)

Appropriation Ordinance 09-11

George Brooks returned to the podium to speak about the economic process today. He said that the cause of nearly every economic recession was productivity wage gaps. He said workers were not making enough money to keep the economy going, and that the real estate and financial markets have been the biggest winners. He said the health of the economy should be focusing on affordable health care, housing and workers wages.

PUBLIC INPUT

The meeting was adjourned at 8:48 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Isaael PIEDMONT-Saint
Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington