

In the Council Chambers of the Showers City Hall on Wednesday, March 5, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 5, 2008

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of December 5, 2007 were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer thanked the street department for their work during the winter with particular challenges with ice, rain and snow. He noted that the freezing and thawing had them out filling holes in the streets. He also thanked Utility workers who were working on the Washington Street project in the inclement weather.

REPORTS:
COUNCILMEMBERS

He thanked Jillian Kinzie, Chair of the Commission on the Status of Women, for her chairmanship of the commission and the work of the commission to host the annual Women's History Month Lunch that had taken place earlier that day.

Mike Satterfield noted the statewide tornado siren test that occurred that day. He said that it was the result of hundreds of volunteers who stood out near the siren locations to make sure that each siren worked and thanked them for their effort.

He referred to a recent "Hotline" column that answered questions about emergency systems alerts. He said that FCC required all video providers to provide an interrupt for national weather service emergency alerts. State regulations require video providers to maintain channels for transmitting local alerts. He noted that regional providers, such as ATT *U-verse* believe that the federal rule to be adequate in not requiring them to provide local alerts to impending inclement weather and other safety issues. He noted that local telecommunications councils no longer had the authority to negotiate with cable and such providers and that concerns must be addressed to state legislators.

Satterfield noted that the local channels that carry government meetings may be combined with other such channels and would be controlled by a menu system where a viewer would actually have to select the government meeting to watch rather than surfing the channels and finding those familiar faces.

Chris Sturbaum said he didn't like the fact that there was no more local control over contracts with video providers.

Dave Rollo reported that the Peak Oil Task Force would begin meeting next week and will have a report for the city by year's end. He also reported that the day's price of a barrel of oil was \$104.52, adding that when he first joined the council in 2003, the price was just about \$30 for a barrel. He said that anything manufactured or fueled by oil would affect our local prices, and lamented that the federal and state governments and the media had not done enough to educate citizens about this coming crises. He added in the future we would look back on today's price as a bargain.

Brad Wisler said he had recently attended the Blue Ridge neighborhood association. He noted that the discussion was centered on restrictions in city code that would prohibit them from making updates to their

covenants. He said that council members have an obligation to make sure that citizens understand the impact of legislation passed by the council.

Wisler recent plans for the State Road 46 upgrade were delivered last week and it would take time to digest the report. He said the plans were started in 1990, and needed more local input. He said that on an initial glance he had found some things that were problematic to him.

Isabel Piedmont thanked everyone involved in the planning of the well attended Women's History Month Luncheon that had taken place that day. She said the speaker, Professor Allida Black from George Washington University, gave a great address about Eleanor Roosevelt and urged all to make their community better. She said it was also good to see the Woman of the Year and Lifetime Achievement Award winners honored. She also noted that many events celebrating Women's History Month could be found on the city's website. Piedmont noted that the council Bowl-For-Kid's-Sake bowling team had won Best Costume award, and thanked the organizers for a fun time and the opportunity to raise funds for the agency.

Andy Ruff noted a recent editorial from the Indianapolis Star that reported on nation-wide press stories on the state of Indiana's environment. He read that Forbes had ranked Indiana 49th in a list of states based on air and water quality, waste management, energy consumption, and public policy and as a result suffered from a mix of toxic waste, lots of pollution, over consumption with no clear plan to do anything about it. He noted that there were costs to health, loss of recreation due to polluted water and fish advisories, and problems due to nitrogen and phosphorus runoff from farming areas. The editorial said that this begs for a vibrant public debate about how Indiana could improve its environmental stewardship and consequently how it would affect the attraction of educated workers and desired businesses and industry to the state. Ruff said that we should insist that our elected leaders, locally and at the state level address this issue. He concluded by saying that when the Indy Star addressed this point, we as a state, had probably reached a fairly desperate point.

Housing and Neighborhood Development Program Specialist Vickie Provine announced the 6th Annual Homeward Bound Walk would take place on April 6th. She said this walk sponsored by the City of Bloomington was one of eight statewide walks that were intended to help thirteen local agencies that work with the homeless and near homeless. She noted that since 2003, this walk had raised over \$261,000 locally and that all of those funds stay in the community. She encouraged the council members to participate.

MAYOR and CITY OFFICES

Tim Mayer, the council representative on the Utilities Service Board, reported that the USB had approved a Memorandum Of Understanding for sharing costs and relocation of the utilities along South Rogers street near the intersection of Country Club Road.

COUNCIL COMMITTEES

He said they also approved an agreement for consulting services for the improvements on the State Route 45/46 By Pass project for a water line relocation required by the state to remove waterlines from the right-of-way. He said the Utility would set aside \$1.2M although the relocation would cost almost 10 times that much. He noted that the City had applied to INDOT for a hardship grant to cover the remainder of the cost of this relocation. He said that the engineering department could provide council members with more information about this upgrade and how it would affect neighborhoods in the area.

As an update on the INDOT construction of this road, he said that bids would be let in January of 2009 with construction to begin in Spring of 2009.

Susan Sandberg said she had served on the strategic planning committee for the Bloomington Entertainment and Arts District (BEAD) and had recently attended a press conference at the future site of the Pictura Gallery that would open on the corner of 6th and College. She said that the BEAD would provide encouragement and incentives for businesses and activities such as this in the downtown area. She also said that copies of this strategic plan were available to explain the concept and development of the plan.

She thanked Miah Michaelson, Assistant Director of Economic Development for the Arts, for her leadership in this effort.

Sandberg noted Squonk Opera to be performed at the end of the month.

There were no public comments at this meeting.

It was moved and seconded that Sarah Ryterband be appointed to the Traffic Commission. The nomination was approved by a voice vote.

It was moved and seconded that Gracia Valliant, Arturo Rodriguez and Raquel Anderson be appointed to the new Commission of Hispanic and Latino Affairs. The nominations were approved by a voice vote.

Mayer noted that the interview committee (Sandberg, Volan and himself) had a difficult time making the choices for the first members of this new commission, adding that at least eight applicants were interviewed and all were wonderfully qualified and involved in the Latino community.

It was moved and seconded that Ordinance 08-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-0-4. It was moved and seconded that Ordinance 08-02 be adopted.

Adam Wason, Assistant Director of Economic Development for Small Business and Sustainable Development and staff liaison to the Commission on Sustainability discussed the mission of the commission, and their activities and duties. He said that the commission would like to have the current code changed to allow for up to two appointments by the mayor and council (for a total of four persons) to reside outside the corporate city limits. He said that sustainability initiatives and outreach goes beyond the formal limits of the city. He said that the commission would also like for the voting status of the ex-officio member to be clarified.

Wason addressed questions that had arisen during the Committee of the Whole discussion on this ordinance by noting that there were no plans at this time to pursue a formal joint Sustainability Commission with county government. He said, however, there would be an outreach effort to begin conversations to see where both entities could collaborate, and county council and county commissioners would be contacted in writing about this effort.

Wason outlined several commission initiatives that illustrated the need to expand the broader residency of Sustainability commissioners. He noted a local foods tour, a compact fluorescent light bulb exchange, and the monthly energy forums (sponsored with the Environmental Commission) included valuable resources and outreach outside the city limits.

Rollo clarified that although he was the Ex-Officio member of the commission, he noted that there was no conflict of his discussion and voting on this matter. He noted that the changes proposed in the

Council Committee Reports (cont'd)

PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Ordinance 08-02 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Section 2.12.100 Entitled "Bloomington Commission on Sustainability" to Change Residency Requirements and Clarify the Voting Status of the Ex Officio Member

ordinance had been unanimously approved by the commission and supported by the administration.

Wisler asked if there were current openings on the Sustainability Commission and how many applicants there were.

Wason said there were probably 15 or 20 applications that had been submitted earlier in the year when there were actually four vacancies. Wason noted that at that time one vacancy, a council appointment remained unfilled.

Satterfield asked how many of the applicants were not residents of the city to which Wason said he didn't know the precise number.

There were no public comments on this item.

Volan commented that he had previously expressed concerns about people being outside the city being appointed to a commission that was funded by the city taxpayers. He said he no longer had these objections and would be voting in favor of the ordinance.

Mayer said that he would be voting against the ordinance explaining that when the enabling legislation was created he had expressed that he was uncomfortable including citizens from outside the city limits as commissioners and that he was still uncomfortable with that concept. He said he fully supported the ex-officio member becoming a voting member, however.

Satterfield said he had no problem with the ex-officio member issue as he had read the Robert's Rules of Order on the topic. He said he would like to see something more official with regards to the county inclusion in the sustainability efforts, but would be willing to wait on that issue.

Wisler said he had spoken favorably on the concept of including citizens outside the city on our boards and commissions, but the more he had spoken to people, the more he understood the concept of not including county residents on the commission when it was founded. He said that most of the other boards and commissions didn't allow county residents and that this particular change was targeted to allow a particular person or persons on a particular commission. He said he was not comfortable with that concept and would favor a discussion of membership and corporate boundaries with regards to all city boards and commissions.

He said there were many vacancies on boards and commissions and many folks were waiting to be appointed. He was uncomfortable bypassing them for folks outside the city.

Wisler said he was not opposed to this concept in principle because it was an advisory board, not a policy making board, but would still have to vote against the ordinance because of what he described as the piecemeal approach.

With regards to the other change proposed in the ordinance, Wisler added he was comfortable with the ex-officio member being a voting member as indicated by Robert's Rules of Order.

Volan asked for the council attorney to cite the code section that indicates board and commission members be city residents. Sherman said that this was covered in the Executive Branch where general terms for boards and commissions were described and he then read the exact section. Volan said that this ordinance change was then necessary, to which Sherman agreed.

Ordinance 08-02 (cont'd)

Sturbaum said he felt that it was appropriate to consider this commission's residency requirement separately and that he would not like to see a broad waiver of residency requirements for all city boards and commissions. He said the work of this commission went beyond the boundaries of the city and that moving in a more regional and county wide direction was a positive action. He said if more people wanted to be involved, the meetings were public and that folks could come and participate.

Ruff noted that he agreed with Sturbaum and that the nature of various boards and commissions was diverse and different enough that discussion of the residency requirements for one didn't call into question the residency requirements of another. He said he strongly disagreed with Wisler that this was being done specifically to allow one person to be added to this commission. He added that his evidence for this was that when the commission was established, the possibility of adding county members was thoroughly discussed. He said at that time the idea was that in the future county residents might be added. He said there was no motive to add one particular person.

Rollo said that the commission debated this topic and voted unanimously to ask the council to change this residency requirement. He added that the expertise, talent and networking of the county applicants were great. He said that the social equity, economic and environmental concerns addressed by this commission extend beyond the city boundary, using the local food issue as just one example. He said that it would be advantageous to have a local farmer on the commission.

Sandberg said she was comfortable with both parts of this ordinance.

Volan said the reason he changed his thinking from the committee meeting was that this was not about something that took place within the city limits, but about what came into the city and what went out of the city. He said the whole point of the commission was to discuss the fact that we were not a closed system, that the corporate boundary was permeable in many ways. He added that a commission was served best by folks with some measure of expertise and that that person may not live within the city boundaries.

Wisler said that the principle didn't bother him, but he wondered why stop at Monroe County line for appointments, and that residency lines could be even more blurred if farms straddled county lines. He challenged council members to show him one commission whose mission and scope would not extend beyond the city limits (with the exception of the BUEA). He noted the Environmental Commission, Commission on Hispanic and Latino Affairs, Utilities, Telecommunications, Status of Black Males and Status of Women, and the Human Rights Commission issues don't stop at the city lines. He said that it had been specifically stated in the Committee of the Whole discussion that there were desirable candidates that lived outside the city limits, and he was uncomfortable changing the rules to make a seat for one particular person.

He said that if input from persons outside the city limits was important, the change should be made across all city boards and commissions.

Ordinance 08-02 received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Mayer).

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 08-01 To Specifically Appropriate From the General Fund Expenditures Not Otherwise Appropriated (Appropriating Grant Funds from the General Fund for Animal Care & Control)

Appropriation Ordinance 08-01

Ordinance 08-03 To Amend the Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Section 2.23.060 Entitled "Commission on the Status of Women – Establishment" to Increase Its Size from Seven to Nine Commissioners

Ordinance 08-03

There was no comment from members of the public at this meeting.

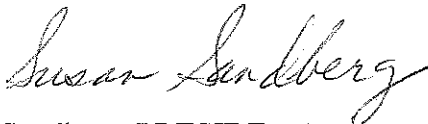

PUBLIC INPUT

The meeting was adjourned at 8:35 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington