

In the Council Chambers of the Showers City Hall on Wednesday, January 17, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
JANUARY 17, 2007

Roll Call: Wisler, Ruff, Sandberg, Rollo, Sturbaum, Volan, Sabbagh, Mayer  
Absent: Diekhoff

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The minutes for Regular Sessions October 4, 2006, October 18, 2006, November 1, 2006 and the Organization Session of January 3, 2007 were approved by a voice vote.

APPROVAL OF MINUTES

Chris Sturbaum said he was sad to once again comment on the issue of the outsourcing of Indiana University jobs. Alluding to the letter that was sent to IU from the council members, mayor and clerk opposing this outsourcing, he said that there had been no response at this time. He added that the loss of jobs would affect residents in his district the same as closing factories or businesses. He added that what happens at the University also happens to this community. He asked if the trustees were exhibiting good leadership to fire faithful workers to save 15% on benefits. He asked if it set a good example for professors and administrators to be eligible for good health care, but not IU working support staff. He questioned the moral message these actions sent to young people. Sturbaum asked, in the spirit of the recent holiday, what Dr. Martin Luther King, Jr. would do.

REPORTS:

Timothy Mayer, having not been present at the very first meeting of the year, welcomed Susan Sandberg to the council, and congratulated President Rollo and Vice President Volan on their leadership of the Council.

Mayer spoke about a recent presentation by Mark Lakewood, an architect in "community building" from Portland Oregon. He said the presentation was interesting, and reminded him of the citizen collaborations that have often occurred in Bloomington and gave the inception of neighborhood initiatives, traffic calming and the Environmental Commission as examples. He added that the City of Bloomington's Housing and Neighborhood Development Department has a person on staff whose sole purpose is to work with neighborhood development and neighborhood issues, including how to build a neighborhood association. He thought some of these concepts could be taken back with Mr. Lakewood, and added that one of Bloomington's greatest characteristics is that the city looks for citizen participation at every level of government.

COUNCILMEMBERS

There were no reports from the mayor at this meeting.

MAYOR and CITY OFFICES

Dan Sherman gave the Council Sidewalk Committee report with an overview of committee deliberations with recommendations and a possible motion to consider regarding the report. He noted that this year the committee recommended funding for the design or construction of 31,000 lineal feet of sidewalk, about 13% of the 23800 of the sidewalks and side paths that would be constructed this year by the City of Bloomington.

COUNCIL COMMITTEES

- Sidewalk Committee

Sherman reviewed the funding sources for this process, and the mission of this committee to fill in missing links in pedestrian ways. He then explained the following recommendations:

- Dedicate \$15,000 to Traffic Calming
- Design sidewalk project on Henderson Street from Maxwell Lane to Hillside Drive
- Construction on Arden Drive from Windsor to High Street (South Side)
- East 5<sup>th</sup> Street from Overhill to the Deadend
- Recommend requesting that the Mayor consider reappropriating \$34,000 which reverted to the ATF at the end of 2006 to be used to construct the sidewalk on the north side of Maxwell Lane from the Clifton side path to High Street.
- Recommend, if necessary, that the Mayor consider reappropriating \$94,000 in AF and Greenways monies that may have reverted to various cumulative capital improvement funds at the end of 2006 so that it can be used to construct a sidewalk on the west side of Nancy Street from Ruby Lane to Mark Street.

Sherman noted that the last recommendation was not necessary because of other monies would be used for this project.

Sturbaum asked about Maple and 17<sup>th</sup> street sidewalk. Sherman noted the project that was suggested there would be built by Public Works and City of Bloomington Utilities. He said that the west side of North Maple Street between 15<sup>th</sup> Street and 17<sup>th</sup> Street would have a sidewalk by the end of the year. He noted that ramps would also be included in the appropriate areas.

It was moved and seconded to adopt the Council Sidewalk Committee Report and Recommendations for 2007 with the following amendment: If the Public Works Department decides not to use the \$45,000 for the design of South Henderson in 2007, then those funds may be allocated for any other project listed under The Committee Recommendations as well as the Hillsdale to Overhill segment of the East 5<sup>th</sup> Street project.

There was no public comment on this motion.

Wisler asked for clarification on the East 5<sup>th</sup> Street project and its relation to the bypass widening.

Mayer noted that this project was too far west to be impacted by that project and pointed out on the planned bypass underpass for bicycles and pedestrians.

Rollo asked Mayer to talk about the storm water needs in the 5<sup>th</sup> street area.

Mayer said the problem of storm water collecting in the area had created problems with flooding basements, metal gas lines rusting, and intersection safety issues when water freezes there. He noted because of federal and state regulations, the city was responsible for the quantity and quality of run off into tributaries. He explained the planned containment separator at the end of the street that would catch physical debris and said neighbors were also looking forward to helping with biofilters that could be incorporated.

Sturbaum thanked the mayor, CBU, Public works and HAND for working with this committee. He said that this collaboration allowed for more to be done.

Mayer thanked Sturbaum for pushing for the Utilities monies to be included. He encouraged Public Works to use the money allocated to the Henderson Street project for design. He said it was an important project.

Sidewalk Committee Report  
(cont'd)

Wisler said that all the projects seemed to be worthy. He said that, in looking back at the history of this council committee, he was unable to find any project in District 2. He said that he would like to be involved in the process next cycle so that the district's sidewalk needs could be addressed.

Mayer noted that Wisler's predecessor, Jason Banach, found out that there were many challenges in proposing sidewalks and side paths along North Dunn Street.

Rollo noted that priorities are linked to priorities plans, connectors to fill gaps, etc, but that if the public felt that there was a need in their neighborhood they should contact the Council by email or by phone. He thanked Sherman and Stacy Jane Rhodes for summarizing, researching and keeping the committee on task. He thanked the mayor for an increase in the committee's budget for the sidewalk projects.

The motion to adopt the Sidewalk Committee Recommendations as amended received a roll call vote of Ayes: 8, Nays: 0.

Dan Starr, student and Boy Scout, said that everyone should state the Pledge Of Allegiance at city meetings, and in fact at all meetings.

PUBLIC INPUT

Stu Statham, businessman, father of Dan Starr, asked that the Council start their meetings with the Pledge Of Allegiance.

Jeff Allen, Dentist thanked Chris Sturbaum for all his work in historic preservation in Bloomington, and noted that his father's house at Allen and Walnut Streets house has been torn down. Allen said he was present to support Dan Starr's request. He noted that the Pledge is about the American flag and gave a bit of historic information about the protection of the flag in the Civil War. He said that we need to show respect to the flag, to the country, and to those who have bled on the flag. He added that the federal government had determined that the wording of the Pledge should not be changed. He ended by saying that Dan had the courage to come to ask this simple thing, to give Dan a victory in his lifetime.

Isabel Piedmont thanked the Dr. Martin Luther King, Jr. Birthday Celebration committee for such a positive community event held at the Buskirk Chumley Theater earlier that week. She read from one of Dr. King's speeches regarding wealth, poverty, and the structure of a whole society in a call to action.

Dr. Hal Taylor, President of Citizens for Effective Justice and New Leaf, New Life, Inc., a sister organization developed to receive grant funds for CEJ. He reported that they had received a gift of \$171,000 from the Indiana Department of Corrections to work at jail with issues of recidivism. Taylor reported that there are typically 272 people in a jail built for 125 with about thirty people sleeping on mats on the gym floor. He said this overcrowding made it very difficult to bring any programming to the jail to help with the problem of recidivism. He reported that CEJ has applied for another grant of \$500,000 to duplicate their program in 6 other jails in the state. He noted that this program was not costing the City of Bloomington or Monroe County any money, and that volunteers and grants keep this going. Taylor outlined programs in New Leaf initiative, including play reading and writing, recording stories for inmates' children, vocational training in electrical work, Twelve Step programs, and transition programs with Work One.

David Burhkart, physician, said he was a former conscientious objector and had seen all sides of the issues. He said he didn't see the Pledge Of

Allegiance as one of blind allegiance, but more for 'the republic for which it stands.' He asked that the council to consider what kind of statement not saying the Pledge would make for children.

David Grubb said he saluted our President, men and women in Iraq, and new sheriff, Jim Kennedy. He said he was worried about our landfill and what it was seeping into Lake Monroe and urged the council to think more about that and less about curbs and sidewalks. Grubb said we should get back to basics, the environment. He said our kids would suffer from this neglect.

It was moved and seconded that the following appointments be made:

BOARD AND COMMISSION APPOINTMENTS

- Beth Hamlin Community and Family Resources Commission
- Jacqui Bauer Environmental Commission
- Tom McGlasson Environmental Commission
- Pedro Roman Utilities Service Board
- Jeff Mease Urban Enterprise Board

It was moved and seconded that the following reappointments be made:

- Sheldon Gellar Dr. Martin Luther King, Jr. Birthday Commission
- Susan Johnson Dr. Martin Luther King, Jr. Birthday Commission
- Barbara Fuqua Dr. Martin Luther King, Jr. Birthday Commission
- George Hegeman Tree Commission
- Michael Tosick Environmental Commission
- Susie Hamilton Board of Housing Quality Appeals
- Brent Thompson Board of Housing Quality Appeals
- Buff Brown Traffic Commission
- Bill Hayden Traffic Commission
- Gayle Steube Bike and Pedestrian Safety Commission
- David Walters Redevelopment Commission
- Mike Szakaly Redevelopment Commission
- Cathi Crabtree Commission on the Status of Women
- Bob Bent Sustainability Commission
- Christine Glaser Sustainability Commission
- Dave Rollo Sustainability Commission (council representative)

It was moved and seconded that according to state statute, the approval of Mayor Kruzan's reappointment of Duncan Campbell to the Historic Preservation Commission.

All appointments, reappointments and approval were approved by individual voice votes. Rollo thanked citizens for agreeing to sit on these boards and commissions, saying that their work was deeply appreciated.

It was moved and seconded that Ordinance 07-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-1. It was moved and seconded that Ordinance 07-01 be adopted.

LEGISLATION FOR SECOND READING

Ordinance 07-01 To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" (To Implement the Trap-Neuter-Return Method of Feral Cat Management and to Establish Feral Cat Care Guidelines)

Patty Mulvihill, Assistant City Attorney, and Susie Johnson, Director of the Department of Public Works were available for questions on this ordinance.

Sturbaum said this was a good agreement between the City and the Feral Cat Friends and that it is the best interest of the animals. He said that this program had been a proven method of stabilize the feral cat population. He thanked the City for their efforts in understanding the problems and city legal department for working with them, also.

There was no public comment offered from citizens on this item.

Mayer thanked Feral Cat Friends for deliberating with the City. He said it was an exercise in community building and thanked them for doing this important work for the City.

Volan said this process showed what happened when people are willing to engage when they disagree and this shows that the process can work.

Rollo thanked everyone, Animal Control, HAND Department, City Legal, and Feral Cat Friends. He said that they care about the humane treatment of animals and do a great service to the community.

Ordinance 07-01 received a roll call vote of Ayes: 8, Nays: 0.

There was no legislation to introduce at this meeting.

LEGISLATION FOR FIRST READING

It was moved and seconded that the rules be suspended so that the council meeting scheduled for January 24, 2007 be cancelled due to lack of legislation coming forward. This motion and action were both agreed to by a voice vote.

SUSPENSION OF RULES to consider item not on agenda.

Hal Taylor returned to the podium to report that there was no place for the homeless to use a restroom downtown and wouldn't be too difficult for this to be rectified. He said that restaurants are closed and this is a problem for folks who sleep in the street. He added that he heard that folks who used to sleep in the post office were no longer being allowed to stay there, and he wanted the council to know that this needed to be addressed.

PUBLIC INPUT

Danna Jackson spoke about the closing of Ladyman's Café. She noted it was well used, and that it was a gathering place for a variety of ages of patrons, students, professionals, and elderly. She noted that claim we want variety and diversity in Bloomington, and this was just such a place. Jackson said that she had circulated a petition to the City to not reward any person or company with a tax abatement for any action leading to the closing of Ladyman's. She said she had about 500 signatures and had stood at the restaurant on the day the last dinner was served.

Jackson said that historic preservation isn't simply a matter of saving a building or a façade. She said that this was a part of preservation, but what was inside the building is part of the history of the building. She gave an example of two buildings on third street that were designated historic adding that they were still empty. She noted that Ladyman's was just the opposite with an historic business inside a building that was not historically significant. She said that the City should look at the preservation of other things besides buildings and that loss of this building might actually be the tipping point of change on Kirkwood. Finally, she noted that Ladyman's was having its final auction the next day.

The meeting was adjourned at 9:10 p.m.

ADJOURNMENT

APPROVE:

ATTEST:



Dave Rollo, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington