

In the Council Chambers of the Showers City Hall on Wednesday, June 20, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 20, 2007

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

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES
REPORTS:

Brad Wisler noted the passing of Indiana University Football Coach Terry Hoeppner saying that he had a wonderful spirit and would be missed. He extended condolences to the Coach's family and players.

COUNCILMEMBERS

Mike Diekhoff offered his condolences to the Hoeppner family.

David Sabbagh noted that the loss of Coach Hoeppner was a loss of a leader for IU and the community and also offered his sympathy to the Coach's family.

Andy Ruff and Susan Sandberg offered their condolences to the Coach's family and also the IU family.

Steve Volan noted Coach Hoeppner's poem on not quitting would be appropriate to re-read at this time.

MAYOR and CITY OFFICES

Director of Economic Development Danise Alano presented the Annual Tax Abatement Report to the Council. She said that abatement recipients submitted a Compliance with Statements of Benefits Form each year which indicated investments and new jobs created and that allowed a comparison with the original statement to assess the status of the abatement. She proceeded to review active abatements during 2006 and noted items of interest and photos of each property. She included a review of real estate property tax abatements as well as personal property (equipment) giving information about the length of the abatement, current investments, and her estimation of their compliance with the Statement of Benefits. In addition to this report, Alano gave statistics on the total number of promised jobs, salaries and property investment across all abatements compared to actual figures at the time of the report.

- Annual Tax Abatement Report

Wisler asked if the increase of assessed value information and projected property tax revenue for these properties was available. Alano said it was something she would like to provide in the future, but would take additional time to research.

Ruff asked if the length of period of affordability for each of the affordable housing projects could be included in the next report, especially if the period did not end with the tax abatement.

Ruff asked what would happen if the property transferred ownership during the time of abatement. Alano said that the abatement was granted to the property not to the owner, and that the public side of the investment was separate from the personal side of the investment.

Ruff noted that Shulte's actual job creation and personal property investment was no where near their projection from the original Statement of Benefits. Alano said that they had made a good faith effort

to comply with their statement of benefits, and have aggressive plans to change this as part of pursuing a direct to consumer market. She explained that they will be opening their own stores now, and plan about 25 stores in a 300 mile radius of Bloomington for which the Bloomington facility would exclusively provide stock. She also said that she believed they had some well thought out business plans and that they should be able to meet their original estimates within a couple of years. Ruff expressed hope that their strategy would be successful.

Tax Abatement Report (*cont'd*)

Sandberg asked about the Hopewell Renewal project, specifically about market constraints and time of abatement left. Alano said that the abatement would go to the homeowner and that would start the first year of the abatement. Alano said that the units occupied by people with HIV or persons with handicaps are not taxed as they are operated by the Center for Behavioral Health, a not for profit entity.

Rollo asked about Metropolitan Printing and the fact that for the last several years it has not been in compliance with their Statement of Benefits. He said that while he was sympathetic to problems in that economic sector, there were other printers that were not offered abatements, and yet were trying to be competitive.

Alano said that their tax abatement was for high tech printing equipment as well as property improvements which have occurred. She said that they would like to expand and increase employee wages and are making an effort to do this. Councilmember Mayer, with familiarity with the industry, commented by saying that the market had become saturated with high tech, high capacity equipment. He added that within the industry, many changes have occurred in just how the printing was done, noting the computer enhancement for conception and construction of printed pieces. He said that many chemical and film processes formerly used have been eliminated. He added that there had been major shifts in the industry and any printer that is viable today, is worth supporting. He further noted that the ability to digitally send and produce a product at a cheaper cost in another part of the world had a great impact on the industry.

It was moved and seconded pursuant to Indiana Code 6-1.1-12.1-5.9 that the council determined that the owner of Evergreen Place Apartments had not substantially complied with the Statement of Benefits and that the failure to do so was not caused by factors beyond their control. It was further moved that the council hold a hearing at the Regular Session on August 1, 2007, to further consider the property owner's compliance with the statement of benefits and at the conclusion of the hearing the common council would have the option of adopting a resolution terminating this tax abatement. Also included in the motion was that the council attorney be directed to mail the statutorily required written notice to the property owner.

Motion to declare intent to rescind Evergreen Place Apartments tax abatement.

Mayer noted that the Evergreen project had disbanded and that there was no intent to continue planning this project.

This motion received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that the tax abatement summary report be accepted as amended by the motion to declare to rescind the Evergreen Place Apartments Tax abatement.

Motion to adopt the tax abatement report as amended by the motion above.

The motion received a roll call vote of Ayes: 8, Nays: 0.

COUNCIL COMMITTEES

Chair of the Environmental Commission Heather Reynolds presented a DVD copy of a recent presentation of Eben Fodor, author of *Better Not Bigger: How to Take Control of Urban Growth and Improve Your Community*. She said that his presentation was important and timely and encouraged council members to review and then pass along the DVD presentation. Former Chair Isabel Piedmont reviewed "Myths of Growth" as presented by Fodor in his April presentation.

PUBLIC INPUT

PUBLIC INPUT (cont'd)

Candidate for common council Alicia Graves stated that the current council and mayor do not understand the most critical issue facing Bloomington and made a statement regarding child endangerment. She noted that many sex offenders live in the Fifth City Council district and cited a recent attempt to abduct a child there. She said that the majority of the council was doing nothing to prevent child molestation and preserve the safety of children.

David Keppel noted that he was a member of the Green Sanctuary task force of the Unitarian Universalist Church and said that global warming is a part of the moral and political challenges of our time. He questioned the costs and feasibility of this project as a ratepayer and tax payer saying that carbon sequestration may introduce structural flaws without the knowledge or ability to fix them. He asked the council to look into passing a resolution regarding the Duke Energy plant at Edwardsport, Indiana. He added that serious investment in conservation and alternate energy sources needed to be made for the future environment of Indiana.

Scott Tibbs noted that council meetings should be organized so that extensive reports were placed at the end of the meetings. He noted that he had come to the meeting to speak about an item on the agenda but had to sit through the lengthy tax abatement report. He asked that it be placed at the end of the meeting next year.

It was moved and seconded that Barry Brown be appointed to the Historic Preservation Commission as an Advisory Member. The appointment was approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 07-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Ordinance 07-04 be adopted.

LEGISLATION FOR SECOND READING

Ordinance 07-04 Authorizing the City of Bloomington, Indiana to Issue Its "Economic Development Revenue Bonds, Series 2007 (Jill's House, Inc. Project)" And Approving Other Actions in Respect Thereto

Economic Development Director Danise Alano noted that the council was empowered to authorize the issuance of bonds for the purpose of construction and equipping of economic development facilities. She said that Jill's House, named for slain Bloomington resident Jill Behrman, would be a \$5 M project, and that the bond issuance would be for \$2.7 M. She said that Fifth Third Bank was the purchasing agent for the bonds that would be issued from the City of Bloomington, and that then they would market the bonds on the bond market. She said that the repayment of the debt would come from an income stream from Jill's house and the fundraising efforts of the board of Jill's House. She noted that Fifth Third Bank would take the liability of repayment, and the bonds were not obligation bonds. She noted a strong community commitment to the project as evidenced by the fact that German American Bank, Monroe Bank and Old National Bank have agreed to share liability with Fifth Third Bank should the debt need to be repaid. Alano noted that the bonds would be issued for between 20 and 40 years and that the interest rate was not yet known.

She noted that the Jill's House board and the Mr. and Mrs. Behrman were present to speak. Mr. Behrman said that the advocates for Jill's

house were happy to be at this point of beginning construction, and happy to have the project benefit not only the families who will need it, but also the entire community.

Bonnie Patton from Fifth Third Bank noted that this was an endeavor that had community wide support and that they were happy to be the lead bank bringing the project together. She said that using the city as a conduit for the bonds would make a 2% difference in the rate of the bond over market rates. She said it was greatly appreciated by the bank and the Jill's House board.

Mayer asked if the bonds would be in small enough denominations that small investors could purchase them. Patton, with prompting from a gentleman in the audience, noted that the bonds would be targeted at large investors at \$100,000 but would be sold in \$5000 increments, with the smallest denomination to be \$5000.

Sabbagh asked Patton to put a dollar figure on the 2% savings that she mentioned. She said this would amount to over \$700,000 over a 20 year period of time.

The call for public comment did not produce any persons coming forth to speak on this issue.

Mayer said that the community rallied around this project and noted that out of difficult times, often good things come.

Sabbagh said that he was reminded of watching a county commissioners meeting when Peg Howard spoke of the concept of Jill's House. He said all would be glad when the first of the construction would be visible. He thanked all for pushing the project forward.

Wisler said it was a good project and would be glad to support it.

Rollo stated that Council member Sturbaum was not present at this meeting, but said at the last committee meeting that this was a no brainer, and it was a shame that he was not here to vote for this. Rollo thanked the presenters for their commitment and dedication to the project and said he was happy to support it.

Ordinance 07-04 received a roll call vote of Ayes:8, Nays: 0.

It was moved and seconded that Resolution 07-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Resolution 07-06 be adopted.

Resolution 07-06 To Amend the Education and Training Trust Fund with the Community Foundation of Bloomington and Monroe County, Inc.

Economic Development Director Danise Alano noted that the resolution would approve an amendment to a 1996 agreement between the City of Bloomington and the Community Foundation. Alano gave a history of the fund saying that the original agreement established and endowed an Education And Training Fund that would allow the Community Alliance For Life Long Learning (CALL) (which was at the time hosted by the Greater Bloomington Chamber of Commerce) to administer grants to entities for education and training programs and services. She said the city provided an initial \$125,000 to launch the endowment from a one time COIT distribution to the city.

She said that in the original agreement, CALL was directed to develop guidelines for education and training grants and that the Chamber of Commerce had established a 501 c (3) foundation to accept contributions in support of CALL's work. After the guidelines were created, the planning turned to implementation, CALL was dissolved

and the Franklin Initiative was formed to address those issues and tactics identified by the CALL master plan. She said that the Franklin Initiative met the guidelines initially set up by CALL, and this resolution updates the language to reflect this change, and brings the distribution procedures into line with the practices of the Community Foundation. She noted that the Franklin Initiative has the mission of increasing academic achievement for students to better prepare them for entering the workforce and has broad based community involvement. She noted it had actually been receiving endowment funds and education and training funds for several years. She said that this resolution formalizes the arrangement that has been in practice and continues to meet the intent of the original endowment.

Resolution 07-06 (cont'd)

There was no public comment or council comments on the item.

Resolution 07-06 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 07-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Standing Committee Recommendation to forward a positive recommendation of 7-0-0. It was moved and seconded that Resolution 07-04 be adopted.

Resolution 07-04 Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2007 and Other Related Matters

Jack Hopkins Social Service Funding Committee Chair Tim Mayer noted that this was the 15th year that the council had been funding social services. He said that the fund was established by then council members Jack Hopkins and John Fernandez with help from Mayor Allison to allocate \$30,000 for children's vaccinations. He noted that in 2002 the fund was dedicated to honor the memory of Jack Hopkins.

Mayer's report included the composition of the committee, initial number of applicants and funding requests, the procedure of the committee review and process for ranking, and read the list of recommended awards and what they would be used for. He said that the committee took their work seriously and were aware that the taxpayer dollars served the taxpayers in the awards. He thanked the council and Mayor Kruzan for their assistance in keeping this fund within the city budget.

Public Comment:

Carol Canfield had 135 signatures of citizens opposing any money from this fund awarded to Planned Parenthood. She said last year, on the national, level Planned Parenthood made \$902.8M (with a third of that coming from Federal tax dollars) and had a profit of \$55.8M. She said that Planned Parenthood of Indiana's income was \$16M with a profit of \$293,745. She said that there was no reason for the local Planned Parenthood clinic to not seek money from their national and state organizations to free up money for other organizations that did not have national and state resources. She questioned the Safe and Civil City donation to the Planned Parenthood Benefactor's Guild from the last year's report, and asked council members Diekhoff and Sabbagh to recuse themselves from the vote as they were donors to the organization. She said that it was grossly irresponsible to give tax money to an organization that was responsible for thousands of deaths.

Scott Tibbs, resident of District 1, said he was present to oppose the funding of Planned Parenthood. He said that although abortions were legal, it didn't mean that the council needed to fund an organization that provided them. He noted that Planned Parenthood did provide non abortion services, and understood that the specific funds that were proposed to be allocated to them did not actually go for abortion services, but he still objected to funds being awarded to an abortion

provider. He added that Planned Parenthood didn't need this money, that they were seeking a political endorsement from the council in an election year, and the awarding of this grant was not actually pro-choice, but in effect denied the choice of life. He asked the council to take a different path and fund the county government's county health program.

Lorraine Merriman Farrell relayed a note of history by telling of the early days of the Planned Parenthood organization, saying that they were not allowed by law to serve unmarried women, or offer services to anyone who had fewer than two children. She said that in 2006 in Bloomington, 80% of the patients served by Planned Parenthood were living at or below 150% of poverty level. She said that they were a force of strength for protecting, providing, and promoting reproductive health. She thanked the council for the hours that they put into the process.

Megan Hutchinson spoke in favor of supporting Planned Parenthood through the Jack Hopkins Social Service Funding Grant. She said annual exams were so important to women's reproductive health, and that she had used their services when she could not afford the exams. She also said that Planned Parenthood was a valuable service in her work as a Resident Advisor as they provided her with much information of use to student in the university's residence halls. She encouraged the council to vote for this resolution in support of Planned Parenthood and all the other social service agencies that needed these funds.

Pat Harris spoke for the League of Women Voters saying that the group had supported Planned Parenthood for many years and hoped that the council would continue to support the organization in continuing their work for the health and welfare of the women in our community.

Mayer said this was a most satisfying round of allocations and again thanked the committee for its work.

Sandberg noted that this was her first opportunity to serve as a council member on this committee and said it was a wonderful, collegial process and that the committee members understood the social ills in the community require preventative measures. She said funding was necessary to stop the hurts and pain that goes along with poverty or being a woman in a society that doesn't always value the contributions of women. She said she drew on her background in social work to bring funding decisions to help recidivism and child abuse and was proud to contribute to this committee.

Ruff noted that the staff also deserved a note of thanks, and said that this was a very smooth committee process and thanked any council members who provided personal contributions to agencies.

Sabbagh said it was enjoyable and educational experience. He said that his wife and he give to many of these agencies, that government couldn't provide all the resources for the agencies, and that it was up to citizens to step up. He also noted that businesses need to be profitable so that they have money to also contribute to the agencies. He said he didn't agree totally with the end product but this was an agreement that all could live with and he intended to support the resolution.

Rollo thanked the committee for their efforts, the public for their opinions, and thanked committee member Hans Huffman, and HAND Department Program Manager Marilyn Patterson who were still present to follow this process to the end.

Resolution 07-04 received a roll call vote of Ayes: 7, Nays: 1 (Wisler).

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 07-02 To Specially Appropriate from the General Fund, Special Non-Reverting Improvement Fund, Alternative Transportation Fund, Local Road & Street Fund, Cumulative Capital Development Fund, Cumulative Capital Improvement – Rate Fund And Parks Acquisition Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund for Animal Care & Control, City Clerk's Office, Community & Family Resources, Controller's Office, Police and Public Works; Appropriating Funds from the Special Non-Reverting Improvement Fund, Alternative Transportation Fund, Local Road & Street Fund, Cumulative Capital Development Fund, Cumulative Capital Improvement – Rate Fund and Parks Acquisition Fund)

Appropriation Ordinance 07-02

Appropriation Ordinance 07-03 To Specially Appropriate from the Parking Enforcement Fund Expenditures Not Otherwise Appropriated (Transferring Funds within and Taking Additional Funds from the Parking Enforcement Fund for a Management Contract, Equipment and Signage for the Downtown Garages)

Appropriation Ordinance 07-03

Ordinance 07-05 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Amending Provisions Regarding Stop Intersections, Limited Parking Zones, Parking Garage and Lot Permits

Ordinance 07-05

Ordinance 07-07 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Amending Provisions Regarding Stop Signs, Speed Limits, Various Parking Restrictions, and Pedestrian Crossings

Ordinance 07-07

Ordinance 07-12 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"
Re: Establishing a New Zone 10 Residential Neighborhood Permit Parking Zone for the Near West Side with Additional Two-Hour Parking Limits

Ordinance 07-12

Ordinance 07-14 To Amend Ordinance 06-14 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for all the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2007 - Re: Position in the Public Works Department.

Ordinance 07-14

Council member Volan noted that he would be receiving his BGS degree from IU later in the summer, a mere 24 years after he matriculated.

Volan Report

Volan reported several concepts that were discussed at the Congress for New Urbanism conference that he and councilmember Sturbaum attended in Philadelphia in May. He discussed the concept of using the collaborative planning design 'charrette' process versus the 'design and present' process. He explained the urban-to-rural 'transect' as an urban planning model which is an important part of the New Urbanism and smart growth movements created by Andres Duany and valued as a tool for analysis, and changing the overall pattern of development. 'VMT' (Vehicle Miles Traveled) as it relates to urban design was discussed at the conference, within the idea that a goal was to reduce the VMT as the figure would help understand transportation problems enabling cars to co-exist with pedestrians, bicycles, and other modes of transportation. 'Katrina Cottages' were developed as small houses which would replace FEMA trailers for post disaster housing. He noted that they could be

used as the base of a larger house, or on their own, temporary or permanent, and are built to code with materials that would withstand the deluge of hurricanes. 'TDR' or transfer of development rights concept makes the right to develop on a certain portion of land portable enabling it to be sold to someone to build where a town wants to encourage density. He said that this was available in 30 states to prevent sprawl and concentrate development in certain areas.

'Greyfield Development' refers to the concept of building in places once devoted to parking, filling them in with a mixture of retail, office and residential in compact urban form. "Lifestyle Centers' are being developed instead of malls with large parking lots, and include mixed uses in an open air atmosphere. He noted that zoning as a public health issue was a concept discussed at the conference as it related to how a physical layout of our environment plays a direct, measurable factor in the average American's weight and health, and with direct influence on people's habits of driving or walking. He noted the LEED-ND (Leadership in Energy and Environmental Design for Neighborhood Development) was a concept he'd like to discuss in the future also.

Volan showed a book entitled *Street Smart Street Cars in Cities in the 21st Century* which outlined the modern revival of the Street Car for downtown circulator to enable the downtown to be more accessible. He said that mostly he took away the concept that we need to be generalists, that in order to sustain vibrant community we want, we need to stop separating and isolating the functions of the community from each other by mixing up our activities in overlapping areas. He said he would address ideas of transportation in future meetings as the subject would arise in various council discussions. Car co-ops, pay as you drive insurance, location efficient mortgages, and other concepts could be used effectively in our community.

Volan ended by saying that this presentation on the congress for New Urbanism was actually and happily the capstone project for his newly earned college degree.

There was no public comment at this part of the meeting.

PUBLIC INPUT

The meeting was adjourned at 10:42 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Dave Rollo, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington