

In the Council Chambers of the Showers City Hall on Wednesday, December 19, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 19, 2007.

Roll Call: Wisler, Diekhoff, Ruff, Sandberg, Rollo, Sturbaum, Volan, Mayer, Sabbagh (arrived at 8:30 pm).

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The minutes of July 11, 2007, August 1, 2007 and September 12, 2007 were approved by a voice vote.

APPROVAL OF MINUTES

Brad Wisler sent best wishes to outgoing councilmembers Diekhoff and Sabbagh and thanked them for their support for him as he stepped into his seat in the middle of a term.

REPORTS:
COUNCILMEMBERS

Andy Ruff said he had a packet of hand written notes from Mrs. Schell's third grade class at Binford Elementary School that were written in response to the Herald Times article on the Environmental Commission's Greenspace Report. He said that the children were concerned about the loss of greenspace and projections and implications for the future regarding this loss. He said they would be available in the council office for the public to read.

Ruff shared that he had received a public notice from the Army Corps of Engineers, Louisville District, announcing a proposal to accept and expend state funds contributed by the Indiana Department of Transportation. Ruff said the Corps would be reviewing the environmental permitting with regards to wetlands in the proposed I-69 pathway, and that this measure was being taken to expedite the process. He noted that with prioritizing, more expeditiously reviewing and processing, INDOT projects would reduce the time for public input and involvement in the process.

Ruff produced a HT report that chastised the city administration for not taking advantage of an INDOT community planning grant to deal with the impact of the proposed highway. He said that significant consideration had been given to the issue and that the city had done the responsible thing by refusing money it didn't need. He said that INDOT's money ought to go towards important projects around the state, adding that it was not "free money" and that there was an opportunity cost. He added that, if the council did take the money, as the HT had suggested they should, the money would be best used given to Terre Haute. He said that Terre Haute could use the money to deal with the decline of their economic activity as a result of the I-69 route being chosen over the alternate route through their city.

Tim Mayer acknowledged Diekhoff and Sabbagh for their time served on the council. He praised them for their attention to detail and for acting on what they thought was best for the community. He thanked the men and wished them well.

Mayer added that it was the season to be thinking of others, and encouraged everyone to donate to organizations doing good for community members, including non-profit agencies and the arts. He wished everyone happy holidays.

Rollo thanked Diekhoff for his service on the council and wished him luck for the future. Although Sabbagh had not yet arrived at the meeting, Rollo acknowledged his work as well, and said he would miss working with him on the council. He also noted the recent passing of U.S.

REPORTS FROM
COUNCILMEMBERS (continued)

Congresswoman Julia Carson. He said she had served in that position for 10 years and was the second African-American Congresswoman elected in Indiana. Rollo said he had the opportunity to meet Carson and praised her for being progressive. He said her death was a loss for everyone.

Council Administrator Dan Sherman read tributes to Michael Diekhoff and David Sabbagh and presented them with mementos in thanks for their years of service to the council on this, their last council meeting.

The tribute regarding Diekhoff acknowledged his roots in Bloomington, his dedication to the city, and that he had spent 9 years on the council. It congratulated him on his new appointment as Chief of the Bloomington Police Department after 20 years in law enforcement. The tribute was applauded by the council.

Diekhoff said he was glad to be a part of all the interesting endeavors of the council. He joked that he would probably be back, in front of the council, asking for money for the police department at some point in the future. He said he would miss the activities of the council, but would still be very active in the community.

Ruff added that he would miss Diekhoff, saying that the two went to school together growing up, and that he appreciated his style as a council member. Ruff said that because Diekhoff did not speak out often, people paid closer attention when he did have something to say. He also noted that, because of his experience, it was a tremendous benefit to have Diekhoff on the council when it came to issues of public safety.

Volan said he had gained an appreciation for public safety while working with Councilmember Diekhoff and thanked him for his service.

Rollo thanked Diekhoff for being an ally on what he felt were important council votes. He thanked outgoing police chief Hostettler for his service to the community, and congratulated Diekhoff on gaining the position.

Councilmember Sabbagh arrived after his tribute was read by Sherman. It was noted that Sabbagh's initial election to the council came after a recount in 1996, where he won by 20 votes. His regular district updates and efforts as a sincere public servant during his 12 years on the council were also noted. He was thanked and wished well on future endeavors. The council applauded Sabbagh.

Ruff noted that he was sorry Sabbagh wasn't present to hear his tribute, but hailed him as a social progressive who did a fine job on the council.

Wisler said he felt that Sabbagh wasn't on the council for the glory of it. He said he believed that the council and city were better for Sabbagh's service. Wisler said he would miss him and would continue to seek his advice.

Diekhoff commended Sabbagh on his 12 years of service to the council and wished him well.

Volan expressed gratitude for Sabbagh's service, and put on a Christmas hat in his honor.

Rollo said he too would miss Sabbagh, and commended Sabbagh for voting in opposition to the war in Iraq, and for voting to protect transgendered citizens in Bloomington.

Mayor Mark Kruzan expressed condolences to former Mayor Tomi Allison on the recent passing of her daughter.

MAYOR and CITY OFFICES

Kruzan invited all to participate in the swearing-in of newly elected officials on January 1, 2008, as well as the State of the City address on January 24, 2008.

He thanked all the city employees, and said he enjoyed working with them during his first term in office. Kruzan thanked the many folks who retired from the city during 2007, including Diekhoff and Sabbagh. He praised Mike Hostettler, retiring police chief, for modernizing the department. The mayor noted that Jeff Barlow, Jack Davis, Jim Lang, Dave Fox, Art Allen, Allen Pointer, Jim Haverstock, Randy Williamson, Larry Clark, George Hupp, David Oney, Dennis Gowen, and Chuck Welch had also departed from the City, and thanked them for their service. He especially acknowledged his outgoing Deputy Mayor, James McNamara. He said McNamara had been a civil servant in Bloomington for 20 years and there would be a recognition ceremony for him the following month. He presented McNamara with a potted parking meter from the city as well as an oversized parking ticket signed by several city employees, in honor of his successful parking implementations as deputy mayor.

McNamara thanked all the people in the City who helped him attain his career goals. He said it had been a pleasure to work with all the city employees.

Adam Wason, Assistant Director of Economic Development for the City of Bloomington introduced John Hamilton, Chair of the Sustainability Commission who gave a report from the Commission.

Hamilton read the commission's mission statement, saying they focus on the economic, environment and equity of the community. He said that in the two years since the commission was formed, they have educated hundreds of people about sustainability over dozens of meetings. He said he appreciated the dialogue and interest by community members. He noted that the commission had sponsored sustainable projects, and described them. He also added that the commission had a goal of replacing 40,000 light bulbs in the city with more energy efficient light bulbs. He did not go into detail about the commission's annual report, but noted that it was available on the city's website.

Hamilton announced four new openings on the commission and welcomed questions.

Councilmember Volan asked Hamilton if using the light bulbs the commission recommended would cause a different hazard to the environment, because they contain mercury, which is not easily disposed of safely.

Hamilton replied that the commission had looked into that issue, and decided that, overall, the energy efficient light bulbs they recommended were a step in the right direction for the community.

Councilmember Ruff thanked Hamilton and the commission for their service, and asked if there was anything further that the City could do to help the commission with their goals. He said he'd welcome any opinions the commission would have regarding sustainability issues in legislation that was being considered by the council.

Hamilton said, in general, it was important for the commission to work together with the City as well as Indiana University's Commission on Sustainability towards common goals. He said that one thing they were focused on was local food production. Hamilton noted that the commission had listed several indicators to measure sustainability. He said it was important to outline indicators that the community could follow and understand.

MAYOR and CITY OFFICES
(continued)

Sturbaum suggested that it would be beneficial if the Sustainability Commission reported to the Planning Commission, so they could work together on solving issues within the community.

Rollo commended Hamilton for his hard work on the commission, and noted that he felt the commission already had many accomplishments.

Susan Sandberg read a letter to the Indiana Congressional delegation that she wrote on behalf of the city's elected and newly elected officials in support of House Resolution 808 (establishing a federal Department of Peace and Non-Violence). The letter encouraged citizens to view peace as a realistic goal and envision the United States as a leader in diplomacy.

COUNCIL COMMITTEES

- Letter supporting a Department of Peace

Gail Merrill spoke on the Department of Peace and Non-Violence. She asked folks who were with her to stand. About two dozen folks stood with her to thank the council for their involvement in supporting the resolution. She said that a Department of Peace and Non-Violence would assist with reducing violence at the state, county and local levels. She projected benefits locally to internationally that a department such as this could foster. She said it was important, for future generations, to take this matter seriously. Merrill encouraged folks to strive for peace, so that a more peaceful world comes about.

PUBLIC INPUT

David Keppel thanked the council for their hard work over the past year. He said he came particularly to thank the council for their letter regarding House Resolution 808. He said he felt that the federal government was failing the people. He expressed hope that other policy makers in Indiana would support this, or similar, legislation.

Tom Tokarski, president of Citizens for Appropriate Rural Roads (CARR), gave the council an update on the fight against the installation of I-69. He said that the agencies attempting to build I-69 aren't held to specific standards as to data they can provide showing they wouldn't be breaking any laws by building the road. Tokarski said that the courts didn't rule in CARR's favor when it challenged the agencies, so the I-69 project was being allowed to continue. He said he believed that decision was wrong, but that not all hope was lost. He said INDOT was planning to use methods that would break environmental laws, and because of this he believed they would be stopped. He said CARR had until early February to decide whether or not to appeal the court's decision. He said that Governor Daniels had not budgeted enough money to build the entire length of highway, and had admitted he didn't know where the rest of the money to finish the highway would come from. Tokarski said that organizations such as his would not be backing down on this issue because too much was at stake. He cited the destruction of farmland and forests as well as global warming as just a few reasons why building I-69 was a bad idea.

Catherine Hessler, Indiana state coordinator for the Department of Peace, said she wanted to thank the council for its efforts in supporting HR 808 and said she hoped this served as an example to other cities.

Rollo thanked folks for coming especially in regards to the letter supporting the department of peace, and noted the website peacealliance.org

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

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Resolution 07-18 To Approve Application and Authorize Grant from the Business Investment Incentive Fund (WonderLab Museum of Science, Health and Technology, Petitioner)

It was moved and seconded that Resolution 07-18 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Recommendation of Do-Pass recommendation of Do Pass 9-0-0. It was moved and seconded that Resolution 07-18 be adopted.

Danise Alano said that WonderLab would be using the allotted money on capital improvements for their facility. She explained WonderLab's contributions to the community, including that nearly 73,000 visitors go there each year. She said the Economic Development Commission adopted a resolution recommending the City Council's approval for a WonderLab grant.

Catherine Olmer, Executive Director of WonderLab, showed drawings of what the WonderLab exhibits workshop would look like.

Councilmember Sturbaum asked if Christine Matheu had been the architect of the project. Olmer responded that Matheu had been involved in the design of the inside of building.

Sturbaum referenced the drawings, and inquired about the number of potential windows on the structure. He made suggestions as to what he would like to see improved about the design.

Councilmember Volan said he agreed with Sturbaum's comments. He said he wished the design that was presented was more finalized, but said overall he was supportive of building the new structure and looked forward to voting in favor of the grant money.

Councilmember Wisler asked if the planning department knew of anything UDO or zoning related that the council should be aware of before voting on the resolution. Planning Development Review Manager Patrick Shay said that he wasn't prepared to answer that question.

Sturbaum then asked if there would be any further review of the building, or was the current meeting the only place it was being reviewed. Shay said that he could only speculate as to the answer to that question, and offered to find out the information and report back to the council.

Sturbaum asked if the petitioner would be willing to make modifications as a condition of approval. Olmer asked what type of modifications Sturbaum would be referring to. He said he was referring to the window dimensions, to which she replied that it wouldn't be a problem to modify them.

Councilmember Mayer said he supported the project, but didn't think it was a good idea that Sturbaum asked for modifications of it right before they voted.

Councilmember Diekhoff said he agreed with Mayer's position. He said he hoped that in the future, the council would give petitioners more notice regarding modification ideas they might have.

Sturbaum responded to Mayer and Diekhoff's comments by saying that it was the first time council members had seen the drawings of the project, and he made the suggestions respectfully. He said he felt there would be long term benefits in those simple and inexpensive changes.

Rollo asked Council Attorney Dan Sherman if they legally could ask for changes as a condition of approval.

Resolution 07-18 (cont'd)

Sherman responded that they would have to take a vote to make that legally binding, but that the petitioner should just take Sturbaum's suggestion under advisement.

Sturbaum added that he had only meant to have the verbal agreement of the petitioner and didn't need it to be a formal agreement.

Rollo noted that the council had in fact only just been given the drawings of WonderLab's building to review, and he felt Sturbaum's comments took into consideration the look of the building from the City's B-Line Trail and he appreciated the thoughts.

Resolution 07-18 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 07-17 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Recommendation of Do-Pass recommendation of Do Pass 9-0-0. It was moved and seconded that Resolution 07-17 be adopted.

Resolution 07-17 Supporting the Issuance and Sale of Economic Development Revenue Bonds – Re: Henderson Court Apartments, 2475 Winslow Court (Southport-Yarco, LLC, Petitioner)

It was moved and seconded that Amendment #1 to Resolution 07-17 be adopted. Parliamentarian Mayer read the synopsis of the amendment.

Amendment #1 to Resolution 07-17
This amendment raises the maximum amount of the economic development revenue bonds from \$7,000,000 to \$7,250,000 to provide some flexibility and to account for possible changes in interest rate.

Wisler noted that the money came from a statewide pool of funds, and wondered if \$250,000 was added, would it still be well within available funds.

A woman in the audience responded that it would.

Amendment #1 to Resolution 07-17 received a roll call vote of Ayes: 9, Nays: 0.

Danise Alano, Director of Economic Development, said that the City had been asked by Southport-Yarco, LLC, to help refinance and acquisition the rehabilitation of the Henderson Court Apartments through the issuance of economic development revenue bonds. She said Southport-Yarco, LLC, had already worked on 12,000 affordable housing units from Ohio to Arizona. She said some repairs to the apartments, 150 units total, would include new roofing and revamping of bathrooms and kitchens. She said the housing would be reserved for people making 60 percent or less of the area's median income.

Final vote on Resolution 07-17 as amended.

She said that the planning staff had been to the property to note what was needed to be in compliance with the UDO. Alano said that Tom Peterson, Partner with Ice Miller Law Office, was on hand if the council had any questions for her or him.

Councilmember Sandberg noted her support of the affordable housing efforts.

Councilmember Mayer thanked the petitioner and said he believed they would be correcting problems within the apartment complex.

Councilmember Sabbagh said that he was proud the improvements were happening in District 5, and he said that he was certain his successor in the district would be pleased as well.

Councilmember Sturbaum said he was happy that the UDO would apply to this complex. He noted it was important that bike racks be in place for those using bicycles as a means of transportation.

Councilmember Rollo said that he also looked forward to the project and believed affordable housing would help advance the community.

Final vote on Resolution 07-17 as amended. (cont'd)

Resolution 07-17 as amended received a roll call vote of Ayes: 9, Nays: 0.

Tom Peterson, Bond Counsel with Ice Miller, LLP, said that the application would be turned into the state and after hearing back from the state, he would let the council know whether they were selected for the program. He said, if selected, he'd be back for final bond approval in the spring.

It was moved and seconded that Ordinance 07-30 and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Recommendation of Do-Pass recommendation of Do Pass 9-0-0. It was moved and seconded that Ordinance 07-30 be adopted.

Ordinance 07-30 To Amend Title 2 of the Bloomington Municipal Code Entitled "Boards, Commissions and Councils" – Re: Administration of the City's Cemeteries

Assistant City Attorney Patty Mulvihill described the ordinance.

Sturbaum suggested that the Parks department take a more active interest in maintaining the city's cemeteries. He noted the Rose Hill Cemetery as especially needing better maintenance.

Ordinance 07-30 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 07-28 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Recommendation of Do-Pass recommendation of Do Pass 8-0-1. It was moved and seconded that Ordinance 07-28 be adopted.

Ordinance 07-28 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" – Re: Addition of Chapter 10.21 entitled "Constructed Site and Post Construction Stormwater Control"

Assistant City Attorney Patty Mulvihill said the ordinance would bring the city's storm water system into compliance with federal regulations.

Ordinance 07-28 received a roll call vote of Ayes: 8, Nays: 0. (Ruff was out of the room for this vote.)

It was moved and seconded that Ordinance 07-29 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Recommendation of Do-Pass recommendation of Do Pass 7-0-2.

Ordinance 07-29 To Vacate Public Parcels – Re: Three Alley Rights-of-Way Segments in the 300 Block of South Walnut and South College Including Segments Running: 1) North/South from Third Street South about 257 Feet; 2) East/West from College Avenue East about 145 Feet and Intersecting with the First Segment; and, 3) North/South in Line with the First Segment South about 69 Feet (Downtown Redevelopment Partners, LLC, Petitioner)

It was moved and seconded that Ordinance 07-29 be adopted.

It was moved and seconded to adopt Amendment #1 to Ordinance 07-29.

Dan Sherman said that the amendment came about as a result of conversations with people from the Utilities department.

Sabbagh asked Sherman if a site plan approval was routine in this situation. He noted that it had been done with one other project.

Wisler wanted to clarify that council members didn't need to give approval of the site plan, just receive a copy of it. Sherman agreed that no further action would be required by the council, only by the City Clerk.

Sturbaum asked to clarify the intent of the amendment. Sherman stated that one reason was to make sure that the Utilities department got the easements it desired, and the second was to reassure the council that the site plan will go into effect.

Amendment #1 to Ordinance 07-29
This amendment ties the effective date of the ordinance to the filing of the ordinance with the Monroe County Recorder and Auditor by the City Clerk. The City Clerk, in turn, is directed to file the ordinance only after she has received a certificate of zoning compliance for the construction of the "Hotel Indigo" project (Site Plan – 35 -- 07) and attached the certificate with the ordinance.

Wisler asked if the petitioner modified the site plan, would it start the process over again. Patrick Shay, Development Review Manager in the Planning Department, answered that staff were allowed to make minor revisions but overall the site plan must stay the same as it was approved by the Plan Commission.

Amendment #1 to Ordinance 07-29
(cont'd)

Wisler wanted to clarify again, that by agreeing to suggestions made by council members modifying the site plan, the petitioner wouldn't have to start the process over. Shay said they wouldn't have to start over.

Peter Dvorak, representing Downtown Redevelopment Partners, said that they were presented with the amendment and no problems were found with it by them.

Amendment #1 to Ordinance 07-29 received a roll call vote of Ayes: 9, Nays: 0.

Patrick Shay presented the site plan for Hotel Indigo, to be located at 301 S. College Ave. The proposed arts-oriented hotel would house 105 rooms and would have 82 parking spaces. He said one reason they were asking for an alley vacation was to allow placement of necessary monitoring wells on private property. Shay noted that the Plan Commission had approved the site plan, and the Board of Public Works had recommended approval of the vacation request by a unanimous vote.

Vote on Ordinance 07-29 as
amended.

He said, in response to a question brought up at a previous meeting, that the value of the alley to the petitioner would be approximately \$189,000. He noted that although the alley would be a gain for the petitioner, the city would not be losing money due to the revenue generated from hotel guests patronizing the city.

A model of the proposed building with surrounding buildings was at the meeting to further help folks visualize the project. Shay went over key numbers related to the site plan, including that the site currently had no greenspace, and 9000 square feet of greenspace would be added with the plan. He said they believed the project would stimulate more development in the area and would help attract more business to the Convention Center. Shay concluded that the business was desirable for the downtown and that the Downtown Redevelopment Partners' staff recommended approval of the project.

Peter Dvorak added that the hotel would be a wonderful addition to the newly developed Bloomington Entertainment and Arts District (BEAD).

Mayer said he anticipated the potential for the owner of the RE/MAX building next to the project to agree to have a pedestrian walkway between the businesses, and thought that would be a positive addition.

Dvorak said that he would be in support of incorporating a pedestrian friendly area within the project.

Volan asked Dvorak how he saw the hotel interacting with College Avenue, a very busy three lane road. He said he envisioned a crosswalk, with the future hope of a skywalk installed over College Avenue.

Sturbaum asked Shay about the curbs surrounding Hotel Indigo, and Shay responded that more talking with Public Works would need to happen before definite plans were made for the curbs.

Ruff asked about salary information for the hotel workers. Dvorak said that full time base salaries would range from \$20,000 to \$65,000 per year, with some jobs receiving benefits. He said base pay for hourly workers would begin around \$8.50. He said that overall payroll would be between \$600,000 and \$800,000 yearly. He added that they would not be hiring folks until spring of 2009.

Ruff expressed concern that the hourly salaries wouldn't meet the city's living wage standards. Dvorak said that he didn't believe they would be subject to the living wage ordinance, but they would strive to be good corporate citizens.

Vote on Ordinance 07-29 as amended

Sabbagh questioned how many alleys the city had sold recently, because he wondered how a value was placed on the land.

Sturbaum asked Shay if the landscaping would look how it did on the current site plan. Shay said it would not, it would be more elaborate.

Rollo said that the lot in question has been contaminated in the past, according to an environmental report, because an auto shop had been there. He asked Dvorak what he intended to do with a tank that was leaking on the property. Dvorak stated that as much cleaning had been done as could have until the old buildings were removed, at which point he said they would remove the tank and the rest of the contamination.

Sturbaum had questions about the location of the parking lot entrance, and Shay said that to move the entrance around, planning would need to make an amendment for the site.

Talisha Coppock, Executive Director of Downtown Bloomington and the Bloomington/Monroe County Convention Center, spoke in support of the alley vacation and of the project. She said that Hotel Indigo's innkeeper's tax would generate \$147,000 annually for the city.

Danise Alano said she wanted to provide more information on the economic impact the hotel would have. She said that the benefit to businesses in town would be around \$1.1 million per year. She noted the number was a conservative estimate based on a 2004 economic impact study. She encouraged the city to support the hotel project.

Sturbaum said he was glad the council could collaborate with the petitioner to make the project stronger and better for Bloomington.

Sabbagh thanked Dvorak and said he hoped phase two of the project went swiftly.

Volan said he didn't want some council members to criticize others for asking too many questions. He said it was their duty to look into matters brought before them thoroughly, even if the Planning Department had already reviewed them. He said he was pleased with the council's collaboration and improvements to the project and to support the proposal.

Wisler noted that he did have a business relationship with one of the petitioners. However, he said it had nothing to do with the project at hand and he had no financial involvement in the project. He said he would deliberate and vote on the matter because he felt he could do so fairly and objectively. He said the hotel would be an asset to the downtown.

Mayer said he wanted to acknowledge Sabbagh's work on the council while he was present at the meeting, and the council applauded him. He added that he liked the positioning of the proposed building and had felt that area has needed revamping for a while.

Ruff also acknowledged Sabbagh's retirement from the council. He commented that it was wrong to determine the value of an alley by how much someone was willing to pay for it. He thanked Dvorak for bringing a good project forward.

Sandberg said she too supported the project.

Vote on Ordinance 07-29 as
amended

Rollo said it was important to think about pedestrian access to the hotel,
and said he felt the project was impressive and looked forward to its
development.

Ordinance 07-29 as amended received a roll call vote of Ayes: 9, Nays:
0.

This being the last meeting of the year, there was no legislation to be
introduced.

LEGISLATION FOR FIRST
READING

There was no public comment at this point in the meeting.

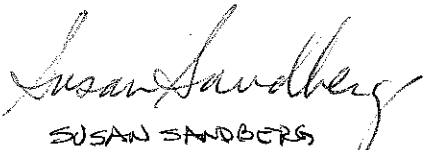
PUBLIC INPUT

The meeting was adjourned at 11:15 pm.

ADJOURNMENT

APPROVE:

ATTEST:



SUSAN SANDBERG
Dave Rollo, PRESIDENT
Bloomington Common Council



Regina Moore, CLERK
City of Bloomington