

In the Council Chambers of the Showers City Hall on Wednesday, March 2, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 2, 2005

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES
REPORTS:

Jason Banach noted that the council was sponsoring a bowling team to raise money for Big Brothers/Big Sisters and shamelessly asked that folks sponsor them so that they could raise more money than the mayor's team for this worthy cause.

▪ COUNCILMEMBERS

Mike Diekhoff noted the team would bowl on Saturday and gave a brief report noting that the fundraising race with the mayor's team was very close.

David Sabbagh announced a Living Wage Forum to be held on Friday of that week. He encouraged citizens to come.

Sabbagh noted the state House Democrats used a parliamentary technique to further their agenda and called upon all legislators in the House to do the people's business and stop the partisan shenanigans.

Dave Rollo noted March was National Women's History Month. He noted the City Hall display window dedicated to WHM, and announced the Women's History Month Luncheon with keynote speaker Molly Murphy MacGregor, the co-founder of the National Women's History Month Project. He noted that Gracia Valliant would be honored as Woman of the Year and that Jeannine Butler would receive the Lifetime Achievement Award at the luncheon. Rollo also announced the Women in Government reception on March 8, 2005 at City Hall, to honor women past and present who serve(d) in government. He noted that Charlotte Zietlow, first woman president of the city council, would be speaking.

Mayor Kruzan openly teased the council members about their bowling team challenge.

▪ MAYOR and CITY
OFFICES

Kruzan made introductory comments to the Living Wage Ordinance, noting that an updated version had just been distributed to the council at the beginning of this meeting. He thanked Dan Sherman, Council Attorney/Administrator and council member Andy Ruff for their work on this good, tough negotiation of the legislative proposal. He noted that there were some significant changes in the legislation, and that the current proposal was a new starting point and a product of public input.

○ Mayor's statement or
Living Wage
Ordinance

Kruzan noted that authors and advocates of this legislation had listened to concerns of interested parties in the past couple of years and had demonstrated flexibility in the production of the ordinance. He credited Ruff with the foresight to continue participation in the process and negotiation with the administration even though he certainly had enough votes to pass the ordinance as originally proposed. Kruzan said he never heard Ruff use this fact as a negotiating tactic and commended him for not forcing the legislation, but embracing and listening to different opinions.

Kruzan admitted that it was not a secret that he was concerned about the proposal, but that every one of his concerns were seriously considered

and addressed. He added that the new draft ordinance was a product of hours of negotiation, of thoughtful debate and spirit of compromise on both sides of the issue. He said that Ruff had successfully brought both sides of the issue to this one synthesis. He said this compromise significantly reduced the fiscal impact to taxpayers, and increased the accountability that's applied to city government now and in the future.

Kruzan noted that this issue had been around for at least two years, was a subject during last year's municipal elections and had been the subject of much community debate. He said the most recent changes were in wage level, definitions of contractors, exemptions for interns and educational opportunities, and other technical changes to streamline the bureaucratic aspects of the ordinance.

Kruzan said that while the ordinance now defined the true meaning and spirit of seasonal employment, he noted that the legislation actually had an early success in a wage equity plan. He noted that, in the course of the discussion and research on the living wage, the administration had found some employees working for the city as "seasonal" with more than seasonal hours. He said this employment situation had been reviewed and changed; there have been nine employees (with three more to come) who had been reclassified to full time employees so that they could qualify for benefits.

Kruzan noted that concerns regarding the non-profits and living wage would be addressed with the provision for waivers, noting that this was flexibility for a mayor or council in awarding city funds. He noted that the tax abatement section was clarified, also. He noted the effective date for applicability was January 1, 2006.

He said this was an important proposal and community debate, and the great success of the negotiations and resulting proposal, he felt, would serve to reduce community conflict over this ordinance. He noted debate, dissent, support would still exist, but that the tension would be reduced and acceptance by the community would be increased by the negotiation that had taken place.

Kruzan cautioned all to be careful about perspective, saying that this ordinance would not solve poverty, and that there was a fear of the unknown and the misunderstood.

Kruzan said the debate would begin with the document presented at this meeting for first reading, and that the community debate would come from this language. He said again that Ruff had considered every proponent and opponent concerns and thanked him for that. He then noted that the council and administration needed to review the legislation on a regular basis, dispel any myths that might arise and address concerns of all.

Ruff thanked the council for allowing the mayor to reorient the upcoming living wage ordinance discussion.

Sabbagh noted that comments by council members, the mayor and the public were restricted to items not before the council for legislation. He noted that the Living Wage Ordinance was actually an agenda item for First Reading, and called the mayor's comments out of order. He noted his objection to the mayor's statement.

Maren McGrane introduced Craig Brenner from the Community and Family Resources Department to make announcements regarding Women's History Month.

- o CFR Department Report (Commission on the Status of Women)

CSW Report (*cont'd*)

Craig Brenner noted that the mission of Commission on the Status of Women was to explore issues and concerns, celebrate women's accomplishments and to assure that women and men have equal opportunity to function fully and optimally as citizens of Bloomington. He added that in order to do these things, the commission acted to identify needs, resources, gaps in resources for women, monitor federal, state and local policies and their impact, stimulate and encourage legislation, issue publications and does all it can to help improve opportunities for women in the community.

He that the CSW had been the main force in celebrating Women's History Month throughout the community, adding that its two main means of doing so include a luncheon and the presentation of the Woman of the Year Award. He noted this year's speakers and award winners.

Jillian Kinzie, chair of CSW and chair of WHM lunch committee added to this report. She said that more than 400 women attend the Women's History Month luncheon annually and more than twelve organizations work with the commission to produce the luncheon each year. She also reported that more than 25 women owned businesses, or organizations that work for or on behalf of women represent their organizations at the event with a variety of exhibit tables.

In giving a report on the commission's other activities, Kinzie told of the commissions charge to monitor the status of women in the community. She said that the Institute of Women's Policy Research from Washington, DC suggested to communities across the country that monitoring was important in areas related to economics, employment, education, and leadership. She reported that the commission was working on a status report and that segments regarding economics, employment and leadership would be finished soon. She noted that the segment on local women's leadership resulted from tracking the decline of women running for and getting elected to positions of leadership and wanting to do more to stimulate that.

Kinzie addressed wage equity issues, relating that a report on women's economic conditions and employment in the community indicate under representation of women in some economic areas and some segregated employment status which mirror conditions at a national level. She said that the commission was trying to monitor and advocate where appropriate. She noted that the commission had recently sent letters to the Bureau of Labor Statistics to indicate some concerns about some reductions in data reports that are required by national organizations. Locally she said the commission was in the midst of conducting a survey of employers to assess some indicators of women friendly employers and hope the results would be finished soon.

Steve Volan noted that he wore a cap in the council chambers, not out of disrespect, but because he is very sensitive to the lights in the council chamber.

- COUNCIL COMMITTEES

Tim Mayer reported that the Utilities Services Board Engineering Subcommittee would meet within the week to discuss sewer extensions. He said the cases would be reviewed, no decision had been made, but the committee would send a recommendation to the entire board after that.

Chris Sturbaum noted that the mayor had appointed Carrol Krause to the Historic Preservation Commission to replace Sue Zabriskie who had served for some time. He noted that by code the council needed to approve this appointment and asked for that approval.

The appointment was approved by a voice vote.

Regina Moore, City Clerk, noting that she was the only woman serving in an elected position in the city, said that she wanted to heighten awareness of the need for more women to be active participants in the city, county and state government. She announced that to that end, and in conjunction with other Women's History Month celebrations, her office would sponsor a reception on Tuesday, March 8, 2005 to honor women who have served on the city and county councils in past years and those presently serving in government. She invited all to come to honor the contributions of these women who have served alongside men in local government.

Margaret Fette, chair of the Libertarian Party, addressed sewer connection problems, in particular what she called the lack of communications between the city and the Utilities Service Board.

She said the council could change the situation and asked that something seriously be done to help the USB understand how to allocate their money. She noted that that short term bonds were an expensive and foolish waste of taxpayers' money, and she hoped that this would concern the council.

She said that there had been a breach in the of balance of power between planning and zoning in the county and the process of sewer connections being held up at the city level, and she didn't think that this was proper or right because there had been people voted in at the county level who should be dealing with those situations rather than people in city government. She said she would like to see action in that regard and said that as a county resident she resented the city taking control of something county officials should be doing.

Then speaking as chair of the Libertarian Party she announced that her constituents would be opposing the living wage ordinance adding that the unintended consequence of that legislation would be to hurt the very people the ordinance set out to help.

Bud Bernitt, self identified as an environmentalist, noted his concern about the mayor's policy regarding sewer hookups in the county. He noted two projects where he believed the city had switched its position on the extensions. He said the city cited environmental and capacity issues as the reason for this change, but Bernitt said this was not the real reason and asked for the real numbers behind these decisions. He noted septic failures in these areas would be disastrous to the environment, and said this change was really about stopping growth. He said the original intent of the USB did not include the mayor having the power he seems to have over the board now. He called for public input regarding sewer extensions and hook-ons.

George Brooks said that he wanted to address negative stereotypes and that people who earn between \$15 – 20,000 per year, are not lazy, stupid, morally inferior or unskilled. He said that sometimes people with a high school education do not get quality offers in their job search. He said that so many working class folks work hard and don't deserve this stereotype.

It was moved and seconded that Michael Tosick be appointed to the Environmental Commission. The appointment was approved by a voice vote.

It was moved and seconded that the Ordinance 05-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0. She also noted that the public comment portion of the deliberation would serve as the legally advertised public hearing on this item. It was moved and seconded that Ordinance 05-05 be adopted.

Lynne Friedmeyer, Zoning and Enforcement Manager, explained that the right-of-way alley was west of the Fairview United Methodist Church. She said that the church owned the property on either side of the alley and would like to own the land for expansion of the church, to pave for parking, or to block off for the safety of the children using the

▪ PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Ordinance 05-05 To Vacate a Publ Parcel - Re: A Right-of-Way Located at 600 West 6th Street which Runs North/South between 6th Street and 7^t Street (Fairview United Methodist Church, Petitioner)

adjacent area as a playground. She added that all utility companies with service lines in the alley have agreed that an easement would be adequate for their needs. She said the Board of Public Works voted to approve the vacation. She noted that there was one condition of approval regarding improvements to the parking area that would affect drainage in the area, and Friedmeyer said the church was agreeable to that condition.

Ordinance 05-05 (cont'd)

David Walter, Trustee with the Fairview United Methodist Church, said that this wasn't a problem until the Children's Corner Day Care, housed at the church, began to use the corner of the parking lot adjacent to the alley as a playground. He said that the public use of the alley by cars might compromise the safety of the children at this time. He noted that utility easements were important to the church and there was no plan at this time to expand the church. He thanked Friedmeyer, Tim Mueller, and other members of the staff and employees that helped him with the petition, noting that the city had hard working employees.

Volan asked which direction the church would expand if needed. He said that the inside corner of the church might need an airlock at sometime in the future, but no specific plans existed at this time. He said normal building permitting process which would be reviewed by Friedmeyer would apply at that time.

Rollo asked if any neighbors had opposed the vacation of the alley, to which Friedmeyer responded, no.

Ordinance 05-05 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the Appropriations Ordinance 05-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no Committee Do Pass recommendation on this item. It was moved and seconded that Appropriations Ordinance 05-02 be adopted.

Appropriations Ordinance 05-02 To Specially Appropriate from the Alternative Transportation Fund Expenditures not Otherwise Appropriated (Appropriating Funds from the Alternative Transportation Fund for Projects Recommended by the Common Council Sidewalk Committee)

Dan Sherman, Council Administrator/Attorney said the ordinance appropriated \$135,424 for sidewalk projects, and gave the website of the report that recommended funding for the specific projects covered in the ordinance.

Mayer thanked Sherman, the administration and fellow council members for their work on the project and outlined each of the proposals from 2004 and 2005 that would be constructed with this appropriation. He added that the council administers these funds for infill projects or links that need to be made from one area to another. He said this fund was not really to be used to solve the overall administration and public works sidewalk goals with new development, but was to be under the purview of the council for smaller projects.

Rollo, council representative from District 4, said that many projects would be constructed in his district and thanked the council on behalf of those constituents. He added that these projects would fill in sidewalks that had not been constructed in the past and served to catch up from the time that developers were not required to put in sidewalks for their developments.

Sabbagh, thanked Bob Woolford from the Housing and Neighborhood Development department who also sat on the committee.

Appropriations Ordinance 05-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the Resolution 05-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no Committee Do Pass recommendation on this item. It was moved and seconded that Resolution 05-02 be adopted.

Resolution 05-02 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2005

Susie Johnson, Director of the Housing and Neighborhood Development Department, presented the mayor's recommendations for the Community Development Block Grant funding for the 2005 year. She thanked her staff and administration with particular recognition to Lisa Abbot, Bob Woolford, Marilyn Patterson and Janet Roberts. She presented highlights of projects completed this year with CDBG funds with special mentions of the 9th and Fairview homes the city built with CAP and Habitat for Humanity, a home constructed using 'green building principles,' a new fully handicapped accessible house, two homes that were restored with partners Bloomington Restorations, Inc, and 21 home modifications for accessibility with partner Abilities Unlimited. She also noted agencies that received social service allocations. Johnson assured the council that this money was well used in improving the human condition in the community.

Johnson outlined the process by which the CBDG money is allocated, noting the composition of the Citizens Advisory Committee, their activities of site visits and hearings, and scoring of applications. She noted the Redevelopment Commission review of the proposed funding and recommendation to the mayor. She said that this resolution reflected the mayor's recommendation. She then outlined the Social Services and Physical Improvements recommendations as enumerated in the ordinance.

Sabbagh asked about the target areas in the city for use of funds, and asked if these had changed with the last census. Johnson said the department was in the process of updating their Five Year Consolidated Plan which is now on the website for review and included this information.

Rollo said he especially liked the green building designed home, and asked about this year's reduced allocation from the federal government. He asked if other cities were receiving less funding, also. Johnson replied that the federal administration's budget proposal for 2006 offered a 40% cut in CDBG funding across the country. She said this would devastate the funding in Bloomington, and urged citizens to write their representatives to let them know what a valuable resource this money is to the community.

Volan asked about the agencies requests for funding with respect to the amount that they received. Johnson said she believed that the requests reflected the actual need and were not inflated.

George Brooks applauded all efforts to allocate and administrate these funds. He said the projects were extraordinary, and the prospect of federal Housing and Urban Development cuts was an unconscionable statement of the federal government's attention to human needs.

Bud Bernitt noted the Parks and Recreation's budget compared to the money spent on this project and said that the city's priorities were a little skewed. He noted the huge amount of money spent on parks and asked for a council review.

Mayer said has served on the CAC Physical Improvements committee for a number of years. He said Bloomington was unique in its CDBG process because it used citizen participation rather than a council subcommittee, and that it allocated the full 15% allowable to social

Resolution 05-02 (cont'd)

services for human needs rather than using all the grant money for physical improvements. He noted specific home modifications to help keep disabled citizens in their home, a reconstruction of a building for the Center for Behavioral Health, and the Broadview Neighborhood Park that partners the school corporation and the city parks department. He said the wide spectrum of people that he has met has enhanced the process for him, and thanked Johnson and her staff for making it a good process.

Sabbagh said the presentation of how the money had been spent in the past was very much appreciated and thanked the committee for their work. He said he knew how difficult it was to make decisions of allocation. He expressed dismay at the cutting of the CDBG funding and said he'd contact Congressmen Buyer, Sodrel, and Hostettler with his concerns within the week. He noted the state government could come forward with legislation to help with more autonomy, noting that voting out a local representative if one didn't think they were doing their job was an option to be considered.

Rollo said our hands were really tied if the federal government actually cut 40% of the funds for this program. He thanked Johnson for her presentation, saying that the money was well used. He said the social stability of the community, meeting housing and social service needs, is a critical part of our goal of community sustainability. He urged citizens to contact their representatives to tell them how devastating cuts to this program would be saying that Senators Bayh and Lugar would be sympathetic. He said it was a sad commentary, that when 22% of children in the country are growing up in poverty, and when over a half million people are homeless, that the federal government would make these cuts.

Banach noted that Monroe County United Ministries relayed to council that they would be affected by a \$100,000 deficit if they had to comply with the proposed living wage ordinance. He said that while we were complaining about a possible \$400,000 cut from the federal government, we could actually affect this smaller problem with the living wage ordinance.

Gaal thanked Johnson and her staff for their work, and noted that this proposal allocated 15% for social services, the maximum amount allowed under the federal regulations. He thanked Rollo for pointing out that less of these funds would be available, and assured Banach that the council would do what was right.

Sturbaum thanked Johnson for her work, and noted that this federal money was actually our taxes coming back to us. He expressed outrage at the way the federal administration was looking at social programs including health care issues and social security. He said their strategy was to cut social services under the guise of saving the deficit.

Ruff addressed Banach's statement regarding the living wage ordinance that would be proposed. He said that the ordinance regulations would not kick in until the agency had received a \$25,000 subsidy. He also said that there were waiver provisions in the ordinance that should be noted. He said that the column that Banach referred to was misleading and contained exaggerated statements.

Resolution 05-02 received a roll call vote of Ayes: 9, Nays: 0.

Council member Sabbagh noted that he believed that a first reading for this ordinance was out of order at this meeting because he had received a different and marked up copy of Ordinance 05-08 before the meeting

LEGISLATION FOR FIRST
READING

started. He questioned this version of the ordinance, that he wanted to be sure that our local code had been followed regarding the submission and disbursement of this ordinance.

President Ruff asked Council Administrator/Attorney for clarification.

Sherman noted that the local code required that legislation be in the council office two weeks before it is introduced at the meeting, however the council for years had annually approved a schedule that indicated a ten day period, instead. He said that on February 9, 2005 the council office sent out the ordinance and said the sponsor of the legislation provided the ordinance well before the deadlines. Sherman noted that there were changes that had been passed out at the beginning of the meeting, but that it was often the case with ordinances. He noted the complexity of this negotiated ordinance, and said the new copy was the attempt to make sure that council members were kept up to date on the negotiations.

Ruff noted that this objection by council member Sabbagh was to raise a technicality, but that he trusted Sherman and his administrative abilities. Ruff noted that the marked up copy was an attempt to reduce the amount of time devoted to amendments in the legislative process, which could be costly in terms of time and possibility of error. He asked Sabbagh for a convincing argument that the introduction of this ordinance created a problem.

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.

Ordinance 05-08

Ordinance 05-08 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Adopting Chapter 2.28 Entitled "City of Bloomington Living Wage Ordinance")

Banach asked if the most up to date and complete ordinance would be included in the packet the council would receive on Friday. Sherman said this was true and the ordinance was available at this moment. Sherman said that the strike out version was offered this evening to show council members the changes that had been made during the last week, and that the ordinance could be printed without that level of detail, if need be.

It was moved and seconded that the rules be suspended to discuss a change in schedule.

Motion to Suspend Rules to discuss a change in schedule

The motion received a roll call vote of Ayes: 9, Nays: 0.

The was moved and seconded to reschedule the regular session meeting from March 16, 2005 to March 23, 2005, and to hold a committee of the whole meeting on March 30th.

Change in Council Schedule

The motion received a roll call vote of Ayes: 9, Nays: 0.

There was no public comment at this time.

PUBLIC INPUT

The meeting was adjourned at 9:30 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington