

In the Council Chambers of the Showers City Hall on Wednesday, February 4, 2004, at 7:30 pm with Council President Gaal presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 4, 2004

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

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

The minutes of the Organizational Session were approved by a voice vote.

APPROVAL OF MINUTES

Chris Sturbaum said he and some other folks were suing Tony Kerasotes, of Kerasotes Theaters, for restraint of trade for his condition of sale of the Von Lee theater that the theater could never be used again as a movie theater. Sturbaum said that was the reason the property hadn't sold until now, although Kerasotes had said on record that the theater was making money when he closed it. Sturbaum said Kerasotes wanted to stop any competition from coming in, and that Kerasotes believed he had restrained trade in a legal fashion. Sturbaum said this had been done to the detriment of the community, and that he had attended a liquor board meeting to speak against the granting of a liquor license for a sports bar in the theater. He said he believed that he was acting in the community's interest and asked that citizens pay attention to what was happening with the Von Lee.

MESSAGES FROM
COUNCILMEMBERS

Chris Gaal thanked Sturbaum for working on this project and said he was happy to sign onto a letter supporting Sturbaum's position with the liquor board.

Andy Ruff echoed Gaal's comments. He added that several council members wrote a letter submitted regarding the I-69 Environmental Impact Study that referred to an earlier letter to Governor Frank O'Bannon on the subject.

Stephen Volan congratulated Catherine Stafford on being the recipient of the Historic Preservation Commission's Achievement Award.

Dave Rollo thanked Sturbaum for taking the lead on the Von Lee.

Mark Kruzan, Mayor, teasingly thanked his District 2 Council member, Jason Banach, for his brief report and noted that they both were originally from Lake County. He also thanked the snow plow drivers saying that he had no idea how much time this task really takes, and the sacrifices the families of workers make.

MESSAGE FROM THE MAYOR

He stated that he would be asking staff and department heads to give reports (either on point or other informational items) during this section of the council meetings.

Kruzan noted that Julio Alonso, Director of Public Works, would give the first report on "Report on Snow and Ice Control in 2004." Alonso noted that 5,100 lane miles of streets had been treated and plowed, which was 12 passes through the city streets; that 70 parking lots had been plowed (about 12 lots per snow); that 1026 hours of overtime had been worked; and that 3168 tons of salt and 472 tons of sand had been used so far this year.

- *Report from Public Works on Snow Removal*

Alonso thanked the Street Department and the Fleet Maintenance Department who work together on snow removal, and especially

thanked Bob Chestnut who directs the Street Department and his crew. Alonso provided cost comparisons for sand, salt and mixtures of each saying that weather conditions dictated the proportion and type of mixture used.

- *Report from Public Works on Snow Removal (cont'd)*

Alonso also addressed the policy of the sanitation department canceling trash pick-up on days when the temperature was below zero. He added that a citizen had made a suggestion that they be able to drop off their trash if it couldn't be picked up, and 35 families took their trash to the sanitation garage on South Walnut street. He said this was a good suggestion and that they city would probably continue to offer this option during cancellation days.

Council Members took advantage of this timely report to ask questions. Ruff asked how much more salt was being used in clearing the streets relative to last year. Alonso said that different conditions called for different mixes of salt and sand but that a higher proportion of salt was used in the mixture than last year. Ruff asked if large amounts of salt affected water quality. Alonso said the product used (salt with a molasses treatment) didn't have additional adverse effects on water, and that the use of sand had its own problems.

Banach, noting that he just couldn't keep quiet on this issue, thanked the administration for this report, saying that he had not seen anything like this report during his eight years on the council. He noted that the streets were noticeably different this year and said that using salt helped with sand cleanups in the spring.

Volan asked about the cost of removing any sand on the streets. Alonso said he thought the budget allowed for approximately \$200,000 for four street sweeps year. He said the mayor and council would need to evaluate the use of the new molasses/salt product, but savings on street sweeping might not be substantial as sweeping removes other debris from the streets besides sand. He speculated that street sweeps might be reduced; but the saved time could be used to get other projects, such as potholes, taken care of on a timelier basis.

Diekhoff said he thought pretreatment of the streets worked well, and asked if there was a way of encouraging those parking downtown around the square so that those areas could be more effectively removed of snow during bad weather. Alonso agreed that perhaps the city should consider a snow emergency policy.

There were no committee reports.

COMMITTEE REPORTS

Jeanine Butler, Chair of the Bloomington Historic Preservation Commission, presented an Achievement Award on behalf of the commission to Catherine Stafford for her work on the Showers Bridwell house at 419 North Washington St. Stafford thanked her parents, and other relatives who had spent a considerable amount of time with the restoration of the home, one of only four Showers build homes in the North Washington Street National Register District, in the last three years.

PUBLIC INPUT

Catherine Stafford thanked her parents, Jonathan and Linda Stafford, her brother, grandmothers and other relatives for their help in this project.

Marc Haggerty spoke of his investigation of the death of James Borden in the Monroe County Jail on November 6, 2003. He said he had received very little satisfaction from his inquiries, except from the Sheriff who had provided a viewing of the tape of the incident. He said that a letter from Judge Mann informed him that the records regarding Borden's home detention had been lost. He said he had requested the

Human Rights Commission to use their authority to ask for an "investigation in absence of complaint;" but while the commission said they would write this letter, he noted some reluctance to overstep the city's role and responsibility in what they may have perceived as a county matter. Referring to reports that Borden had been subject to Taser shocks, he added he had done some research on stun guns. He said they had been banned in many cities, noted deaths in other cities and states by the use of stun guns, and asked the council to consider a ban on the use of these guns.

PUBLIC INPUT (cont'd)

Troy Borden, brother of James Borden, said his brother died in the Monroe County Jail, and said his family would like to know what happened to cause his brother's death in the jail's receiving port. He said he assumed he died of electric shock, and asked why the police would subject a person who was diabetic and who had an enlarged heart to this type of treatment. He expressed dismay at the fact that others had viewed the tape of his brother in jail, but that the family hadn't been able to see it. He said the ban of stun guns should be considered because they weren't being used in the proper manner.

Vid Beldaw, representative of the National Alliance for the Mentally Ill said that documented evidence showed that Borden was unstable and was to be taken to the hospital. He asked what in the system broke down to allow someone who really needed medical care to be taken to jail. He said that in other cities, like Fort Wayne, the police had a program that trained them to deal with the mentally ill. This critical incident team had drastically reduced the number of arrests and deaths associated with this type of call. He said the community needs to act to prevent this from happening again.

Diekhoff noted that the county council and commissioners have the jail funding and responsibility under their purview and suggested that the citizens be sure to address those bodies with their concerns also.

There were no appointments.

BOARD AND COMMISSION APPOINTMENTS

There was no legislation for final action at this meeting.

LEGISLATION FOR SECOND READING

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 04-01 To Specially Appropriate from the Parks General Fund and the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the Parks General Fund to Construct a Storage Facility and Appropriating a Grant from the General Fund – Police Department for Additional Traffic Enforcement)

Appropriation Ordinance 04-01

Ordinance 04-02 To Amend the Bloomington Zoning Maps from CG and RM7 to PUD and to Amend the List of Uses for Parcel C of the Thomson PUD – Re: 405-407 W Patterson Drive (Randy Lloyd/McDoel Ventures, Petitioners)

Ordinance 04-02

Ordinance 04-03 To Vacate a Public Parcel – Re: A Portion of West Grimes Lane Between South Rogers Street and South Madison Street, a Portion of the 12' Alley Running Approximately 65 feet South of the above Right-of-Way; and, a Portion of the West Side of Madison Street Between Grimes and Patterson Drive (Randy Lloyd/McDoel Grocery, Petitioner)

Ordinance 04-03

Ordinance 04-04 To Amend The Bloomington Zoning Maps from Q to PUD and to Adopt The Preliminary Plan for the Southern Indiana Medical Park II Planned Unit Development – Re: 2401 West Tapp Road (Southern Indiana Medical Park II, LLC, Petitioners)

Ordinance 04-04

It was moved and seconded that the council discuss Ordinance 04-04 at the Committee of the Whole on Wednesday, February 11th, and consider it for final action at a Special Session on Wednesday, February 25th or March 3rd if the petitioner is not available that evening.

MOTION TO CHANGE THE SCHEDULE FOR Ordinance 04-04

Dan Sherman, Council Attorney/Administrator, explained that council president Diekhoff could not be present at the meeting on February 18th and had suggested that the public hearing and final action take place on February 25th or March 3rd. He said conversations with a representative of the petitioner revealed he was not in favor of the change, and Sherman said he had not been able to confirm that the petitioner would be present on Feb 25th. He said this motion would give the council the leeway to make the decision regarding the date for final action.

Rollo said he wasn't happy about this change, that it created a hardship for the petitioner who had anticipated a decision on February 18th, but was willing to accommodate this change so that Diekhoff could be present at this hearing.

The motion received a roll call vote of 8-0.

Ordinance 04-05 To Designate an Economic Development Target Area (EDTA) – Re: Woolery Stone Mill Building Located at 2200 West Tapp Road

Ordinance 04-05

Reverend Harold Taylor questioned the council on their reaction to the material presented to them in the earlier public comment period asking why the statement had been made that this was not the purview of the council. He asked if this was true, where do citizens go to try to improve the system?

PUBLIC INPUT

Diekhoff told him to make sure that he and others concerned about this issue take their concerns to the county council, the county commissioners, and the sheriff.


Taylor asked if it was possible for the group to present their ideas regarding a critical incident team, an idea he called a positive proposal, to the council and asked for ten minutes at a future meeting. Diekhoff asked him to speak with the council administrator/attorney after the meeting.

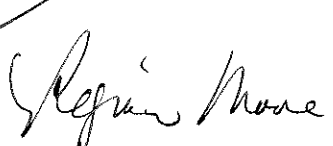
The meeting was adjourned at 8:35 pm.

ADJOURNMENT

APPROVE:

ATTEST:


ADDY RUFF, Vice President
Michael Diekhoff, President
Bloomington Common Council


Regina Moore, CLERK
City of Bloomington