

In the Council Chambers of the Showers City Hall on Wednesday, March 3, 2004 at 7:30 pm with Council President Diekhoff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 3, 2004

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

ROLL CALL

Council President Diekhoff gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Sturbaum said he shook hands with the new owner of the Von Lee who intends to put a bar in the theater and who had just gotten approval for a liquor license. He said this ended the theater as we knew it and said, too, that there were betrayals of the community in a local judges ruling which stated that it was reasonable for a corporation to dictate whether or not this local theater would be able to show films again. He noted Indiana University's lack of action. He said he was nostalgic for a free enterprise system actually functioning.

MESSAGES FROM
COUNCILMEMBERS

Chris Gaal thanked Sturbaum for defending this piece of history in the community. Gaal said that he had been hearing much from constituents about jobs and the local economy, and that this was a real issue. He contrasted this with the initiative that was being pushed by many members of the Indiana House regarding a constitutional amendment banning same sex marriage. He said this wasn't a real issue, but rather a play of politics generating heat to excite voters in an election year on a divisive cultural issue, and wasn't actually intended to help Hoosiers. He said this 'issue' was a distraction from the real issue: doing something about jobs, healthcare and basic economic security, and would just discriminate against a group of people.

He added that many companies were adding domestic partner benefits to their benefit packages to attract employees at the same time the legislature seemed to be concerned about what people were doing in their private relationships.

While it was not legal or conceivable for the city to issue marriage licenses in Indiana, Gaal proposed that the City of Bloomington instead work with groups in the community to facilitate resources for non-traditional couples, unmarried couples, gay or straight to protect legal rights. He said legal documents could be executed and mentioned durable power of attorney, legal wills and the appointment of a health care representative to help people not be shut out of important life decisions surrounding medical care. He said nontraditional couples should be empowered. He said as a community we should recognize that committed non-traditional relationships are committed relationships, we should be proud of the diversity and tolerance in our community, and send that message to our state representatives.

Andy Ruff said he was in complete agreement with Gaal's statement and noted that the Fernandez administration was very forward looking in this regard.

Ruff announced an Ophelia Project Workshop on "Understanding Aggression" for the following weekend.

He noted an article in the February 22nd issue of the *Toronto Global Mail* which featured Bloomington in an article covering I-69.

Stephen Volan thanked the ITS department for the delivery of his new laptop and promised to be extra efficient now.

He said as the council representative to the Solid Waste District Board of Directors, he wished to make the statement that the District was in crisis and would be meeting again to discuss the problem. He said

several issues were intertwined, and the financial matters were grave. He added that no matter what happened to the organization, or who was to blame for the chaos, the cost of managing the county's waste would continue to mount. Even if the landfill were to be closed, the act of closing it would cost a lot of money. He invited citizens to ask him questions about the district and gave his email address.

MESSAGES FROM
COUNCILMEMBERS (cont'd)

David Sabbagh said that he understood why citizens got upset when the council members talked about things which are outside the realm of the council, however, the state government has a serious impact on Bloomington citizens. He said he had a duty to speak up privately and publicly, and added that as a Republican, an elected official, and a citizen of the State of Indiana he was disappointed in the House Republicans for their recent actions in boycotting House sessions where they could have worked on solutions of jobs, business creation, education, and a new economic model to help the less fortunate. He said they showed a lack of leadership in not addressing these problems. He added that he was in favor of same sex marriages.

Sabbagh said that local governments depend on the tools that the state legislature gives them, and therefore the actions of the state assembly has a significant impact on the problems and solutions at a local level.

Sabbagh said that on a more positive note, he congratulated Sue Wanzer, Deputy Clerk, who was to take over presidency of the Monroe County Community School Corporation Board after the resignation of Lynn Coyne.

Dave Rollo announced an upcoming meeting of the Plan Commission to deliberate on the Renwick development proposal with particular attention to the traffic impact of the development. He urged residents to attend this meeting or contact him to share their views. He added that he had put several copies of the developer's proposal on reserve in the Indiana Room at the Monroe County Public Library, and said, too, that good public policy depends on public participation and again urged citizens to attend.

Tim Mayer said that politicians from the White House to the State House should stay out of people's personal lives, especially if those people are living within the laws of the land.

Mike Diekhoff replied "Don't mess with the Constitution!"

Mayor Mark Kruzan commended police officers who helped in a recent accident situation that could have been much worse without their intervention. He also thanked the department and other emergency personnel from IU, fire department, department of natural resources and members of the public for their help in saving two people who were stranded on Lake Griffy. He specially commended Officers Chris Scott and Joe Crider for their rescue.

MESSAGE FROM THE MAYOR

Mayor Kruzan said he had received requests, similar to those to the mayor of San Francisco, to issue marriage licenses to same sex couples. He then read the following statement:

Unlike in some states, such as California, mayors in Indiana are not authorized by statute to issue marriage licenses of any type. In fact, Indiana Code 35-44-1-2 states that a public servant who knowingly or intentionally performs an act that he is forbidden by law to perform commits official misconduct, a class A misdemeanor. As an attorney and elected official, I have sworn to uphold the constitution of the state of Indiana and believe it's quite possible for an attorney to be disbarred for trying to issue a license. I want to make clear that I don't intend to issue same sex marriage licenses, just as I cannot issue opposite sex marriage licenses.

But do not mistake that decision for acceptance of the prohibition of same sex marriage law in Indiana. I object to an obviously discriminatory ban, and I voted against it as a member of the Indiana General Assembly.

Even more objectionable is the effort to amend our state and federal constitutions with such a provision.

What we need is a constitutional amendment against intolerance and prejudice.

I understand that many people disagree with my assessment. But I would hope that citizens on both sides of the same sex marriage issue would agree on two things. First that our constitution is too important to be used as disposable document to be altered as an election year tactic. And second, that our city's, our state's, and our nation's real priorities rest in providing affordable health care, insuring the millions of us without coverage, and creating jobs for the growing number of unemployed.

I've seen many ugly things occur in the halls of the Indiana General Assembly. Fortunately, I've seen far more good that outweighs the bad. But in this instance, misguided bigotries threaten the institution's credibility.

Countless hours and taxpayer dollars have gone to waste when our state can least afford it so that a skewed political agenda can advance at the expense of a specific class of our fellow citizens.

It's truly sad that in this new millennium such an ancient bias still exists. Sadder yet, that efforts are being made to immortalize it in the ultimate law of our land.

History will not smile kindly upon the proponents of this constitutional amendment.

Message from the Mayor (*cont'd*)

The Bloomington Human Rights Commission issued its annual Human Rights Commission Awards to the late Congressman Frank McCloskey and the Bill of Rights Defense Committee.

Roberta McCloskey accepted the award as Calloway Thomas read the inscription. McCloskey thanked the present Human Rights Commission and all the commissioners who have served in the past, and urged citizens to follow Frank's example of standing up for human injustice and not be afraid to do so.

Calloway Thomas read the names of the Bill of Rights Defense Committee members and the award inscription; the award was accepted by David Keppel and Pedro Roman.

- Keppel said they were honored to accept the award on the same night that McCloskey was honored, honored to live in a community that had a human rights commission, and honored to live in a community where the city council would stand up for beliefs in passing the resolution against the US Patriot Act.
- Roman gave an international perspective to McCloskey's work in Bosnia and invited citizens to join the Bill of Rights Defense Committee.

Aja Romano, citizen, read a statement from Dr. Philip Amerson, President of Claremont Theology School in Claremont, California, and former pastor of the First United Methodist Church in Bloomington and long time friend of Congressman Frank McCloskey.

Romano also informed the council of a newly formed group called BloomingPride which was created to advance the progress of civil rights of gay, lesbian, bisexual and transgendered individuals in Bloomington and around the state.

She said the city must continue to take a stand for the freedom and dignity of every American and to promote the basic human and civil rights of all minorities.

She formally petitioned the city council to pass a resolution expressing the city's opposition to and contempt for any state or federal constitutional amendment which would target gays and lesbians by excluding them from the rights of marriage. She said any constitutional amendment that traded inclusion and protection under the law for alienation and intolerance is an unjust law and should be opposed.

COMMITTEE REPORTS

PUBLIC INPUT

Kevin Shifflet, citizen, spoke about environmental issues in the Cascades road area with regards to erosion control. He said an erosion control fence should be in place and wasn't. He stated that he had photographed the area of concern and had contacted the Indiana Department of Environmental Management about the problem. In bringing this matter to the attention of the City Council, he hoped that the city would set an example for developers by being aware of the problem and correcting it.

PUBLIC INPUT (cont'd)

Matthew Bodell, IU student, thanked Kruzan, Gaal and Sabbagh for their comments. He asked that they remind legislators that the US Constitution had never been amended to take rights away from a group of people as he said the federal marriage amendment would do. He said rather than accepting the statement that gay folks want to redefine marriage, it should be remembered that government defined it as a social contract.

Isabell Piedmont said she appreciated the comments by elected officials and the public with regard to the proposed amendment and the formation of BloomingPride. Piedmont also said she was concerned that tax dollars were used to purchase stun guns for county law enforcement officers and said she didn't want them to be purchased for the city police department. She said Fort Wayne's Crisis Intervention Program has proved successful in reducing violence in their jail and encouraged both the city and county to look into a program such as that one.

It was moved and seconded that Bruce Myers and Rick Dietz be appointed to the Bloomington Digital Underground Advisory Committee. The appointments were approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 04-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there had been no committee hearing on the resolution. She announced that the public comment portion of this deliberation would serve as the publicly advertised hearing on this legislation. It was moved and seconded that Resolution 04-02 be adopted.

LEGISLATION FOR SECOND READING

Resolution 04-02 To Confirm Resolution 04-01 Which Designated an Economic Revitalization Area (ERA), Approved a Statement of Benefits, and Authorized a 10-Year Period of Abatement – Re: The Woolery Stone Mill Parcel at 2200 West Tapp Road (Woolery Ventures LLC, Petitioner)

Ron Walker, Director of Economic Development, briefly summed up the request for a tax abatement for the redevelopment of the historic stone mill into a 55 room hotel with conference space, 42 two- and three-bedroom apartments, climbing gym facility, restaurant and brewpub. He said the entire investment would be about \$60M, it would create about 45 new jobs.

There was no public comment on this resolution.
There were no council comments or questions on the resolution.

Resolution 04-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 04-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of 9-0. It was moved and seconded that Resolution 04-03 be adopted.

Resolution 04-03 To Designate an Economic Revitalization Area, Approve a Statement of Benefits, and Authorize a Period of Tax Abatement – Re: 1116 S. Walnut (Bloomington Paint and Wallpaper, Inc., Petitioner)

Ron Walker, Director of Economic Development, gave an overview of the project, a two story mixed use building on South Walnut and West Grimes. He described the retail and upstairs apartment uses of the building adding that the entire investment would total \$1M. He said the petitioner may add two new jobs with the facility and was requesting a five year abatement. He added that the Economic Development

Commission and the Redevelopment Commission had both recommended the five year abatement as well. Walker added that the site and its proposed uses had met the criteria for tax abatements with regards to both state and city regulations and recommended approval. Brad Night, the petitioner, was present to answer questions.

Resolution 04-03 (cont'd)

There was no public comment on the resolution.

Mayer said he had received a comment from a citizen expressing concern that this business was moving from the downtown square area. Mayer said the square was now a difficult place for conducting this type of business, said the new location would give a boost to the Walnut/Grimes area, and thanked the EDC for helping to make the project better.

Volan said the downtown building had been purchased, would be renovated for an existing downtown business, and there was no fear that this would be a blow to the downtown.

Sturbaum said there was public good in the design of the building, and that this would expand the area considered to be 'downtown' to this area. He said this met the Growth Policies Plan and urged support.

Ruff said he had received emails arguing that the council should not be supporting the move of a business away from the downtown area. He said he considered this area 'downtown' and supported this assistance to a locally owned, locally controlled business in their battle against the ever encroaching big box stores. He said this support was valued by our community as it would increase the amount of money and income that is not leaked off to a corporate office in another community. He added that keeping dollars in the community was an economic strategy every bit as good as the attraction of outside dollars.

He noted that the public subsidy to this project would be below the threshold in annual dollar value to qualify for the living wage ordinance that he would be bringing forth, and added that he wholeheartedly supported this abatement.

Rollo said he supported this plan and agreed with Ruff on the support of a local small business.

Sabbagh said this project was located in the 5th councilmanic district and was pleased that it was part of the downtown.

Resolution 04-03 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 04-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of 9-0. It was moved and seconded that Ordinance 04-06 be adopted.

Ordinance 04-06 To Designate an Economic Development Target Area (EDTA) – Re: Bloomington Paint and Wallpaper, Inc., Located at 1116 South Walnut Street

Ron Walker, Director of Economic Development said that because the site will contain retail and residential market rate units, the state required the Economic Development Target Area designation as well as the Economic Revitalization Area designation.

There were no public comments and no council questions, however council member Ruff said, "Chalk another one up for the anti-business Bloomington City Council!"

Ordinance 04-06 received a roll call vote of Ayes: 9, Nays: 0.

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 04-02 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund for New Positions in Engineering and the Mayor's Office and Transferring Funds within the General Fund To Accompany a Transfer in Position)

Appropriation Ordinance 04-02

Appropriation Ordinance 04-03 To Specially Appropriate from the Telecommunications Non-Reverting Fund (infrastructure) Expenditures Not Otherwise Appropriated (Appropriating Funds for Maintenance and Repair of the City's Fiber Infrastructure, Installing Fiber Optic Cable, Purchasing Line-Locating Equipment for the Bloomington Digital Underground, and Installing Telecommunications Wiring for the Animal Shelter Expansion)

Appropriation Ordinance 04-03

Ordinance 04-07 To Amend Ordinances Which Fixed the Salaries of Appointed Officers and Employees of the Civil City (Ordinance 03-20) and Utilities (Ordinance 03-21) for the Year 2004 – Re: Positions in the Mayor's Office, Information Services, Parking Enforcement, Traffic, Engineering, and Utilities Administration

Ordinance 04-07

There was no public input.

PUBLIC INPUT

The meeting was adjourned at 9:00 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Michael Diekhoff, President
Bloomington Common Council

Matt Weber, Deputy Clerk
City of Bloomington